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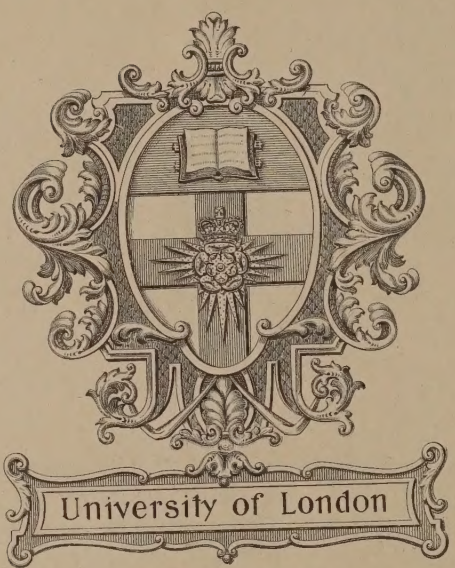
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REPORTS

FROM

COMMITTEES:

TEN VOLUMES.

— *(3.)* —

BOUNDARIES OF BOROUGHS;
BRISTOL ELECTION; COVENTRY ELECTION;
ECCLESIASTICAL TITLES [H.L.];
HOUSE OF COMMONS (ARRANGEMENTS);
KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS);
NEW FOREST DEER REMOVAL, &c., ACT, 1851 [H. L.];
PARK LANE IMPROVEMENT BILL;
PRIVATE BILLS;
RAILWAY AND CANAL BILLS.

Session
19 *November* 1867 —— 31 *July* 1868.

VOL. VIII.

1867-8.

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1867-8.

TEN VOLUMES:—CONTENTS OF THE

THIRD VOLUME.

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REPORT

FROM THE

SELECT COMMITTEE

ON

BOUNDARIES OF BOROUGHS:

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
29 *May* 1868.

Monday, 18*th May* 1868.

Ordered, THAT a Select Committee be appointed to consider the Boundaries of the following Boroughs, as laid down by the Boundary Commissioners, and to report what, if any, alterations should be made therein—

Birkenhead.
Birmingham.
Bolton-le-Moors.
Bristol.
Cheltenham.
Chester.
Gateshead.
Gloucester.
Greenwich.
Hastings.
Lambeth.
Liverpool.
Manchester.
Marylebone.
Newport (Isle of Wight).
Newport (Monmouthshire).
Northampton.
Nottingham.
Oldham.
Portsmouth.
Preston.
Reading.
Salisbury.
South Shields.
Tynemouth.
Warwick.
Wigan.
Wilton.
Windsor.

Chelsea and Kensington.
Darlington.
Middlesborough.
Stalybridge.

Ordered, THAT all Petitions presented to the House relative to the said Boroughs be referred to the Committee, and that the Committee have power to receive and call for Maps, Memorials, Reports, Papers, and Records concerning the said Boroughs, and to confer with the Boundary Commissioners, and those employed under them, in their inquiries, and with the Members of the Counties and Boroughs affected.

Ordered, THAT the Committee do sit *de die in diem*.

Ordered, THAT the Committee do consist of Five Members.

Committee nominated:—

Mr. Walpole.
Sir William Stirling-Maxwell.
Mr. Whitbread.
Mr. Austin Bruce.
Mr. Kirkman Hodgson.

Tuesday, 22*nd May* 1868.

Ordered, THAT with regard to the new Parliamentary Boroughs, the Select Committee on Boundaries of Boroughs have power to confer with any Members of this House who have local information to offer respecting such Boroughs.

Friday, 29*th May* 1868.

Ordered, THAT the Committee have power to Report their Observations to the House.

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REPORT.

THE SELECT COMMITTEE appointed to consider the BOUNDARIES of the following BOROUGHS as laid down by the Boundary Commissioners, and to report what, if any, alterations should be made therein; viz., Birkenhead, Birmingham, Bolton-le-Moors, Bristol, Cheltenham, Chester, Gateshead, Gloucester, Greenwich, Hastings, Lambeth, Liverpool, Manchester, Marylebone, Newport (Isle of Wight), Newport (Monmouthshire), Northampton, Nottingham, Oldham, Portsmouth, Preston, Reading, Salisbury, South Shields, Tynemouth, Warwick, Wigan, Wilton, Windsor, Chelsea and Kensington, Darlington, Middlesbrough, and Stalybridge:—HAVE considered the Matters to them referred, and have agreed to the following REPORT:

I. YOUR Committee have considered the Boundaries of the Boroughs which have been referred to them; and in now submitting their Report to the House as to what, if any, alterations should be made therein, desire to state that they have experienced much difficulty in laying down any general rules for their guidance.

II. In dealing with the new Boroughs, the Act of Parliament prescribed that the Commissioners should inquire into the temporary Boundaries of every Borough newly constituted by the Act, with power to suggest such alterations therein as they might deem expedient; and the Commissioners, therefore, proceeded to inquire how far the temporary Boundaries prescribed by the Act ought to be altered, either by curtailment or enlargement.

III. In dealing with existing Boroughs, the power of the Commissioners was more limited. They were directed to ascertain whether the Boundaries should be enlarged so as to include within the limits of the Borough all premises which ought, due regard being had to situation and other local circumstances, to be included therein for the purpose of conferring upon the occupiers thereof the elective franchise. The general inference which the Commissioners drew from this clause appears to your Committee to be just; namely, that they should determine whether the Boundaries embraced the whole of the population which ought to be included within the limits of the Borough; and for that purpose they directed the Assistant Commissioners to inquire whether there were any considerable number of houses beyond the existing Boundaries, the occupiers of which, from community of interests, might be considered as forming part of the town population.

IV. Your Committee have had to consider how far this rule may be applied to each particular Borough. The variety of local circumstances requiring special consideration, will best be appreciated by a recital of the objections which have been urged against the extension of the Boundaries as recommended by the Commissioners.

V. These objections may be classified as follows:

1. The apprehension that if the outlying districts should be brought within the limits of the Parliamentary Borough, the Municipal Boundary would be altered so as to make it co-extensive with the Parliamentary Boundary; such an alteration subjecting the inhabitants in that district to a new jurisdiction, and probably to increased taxation.

2. The change made in the law which has abolished the power to compound for the poor rates in Parliamentary Boroughs. This has been urged as causing a peculiar hardship in those cases where one part of the parish would be included in the Parliamentary Borough while another part is still left out of it without the advantages of compounding any longer.

3. That the Boroughs are already so large as to be almost unmanageable for the purposes of election, and the objectors urge that such Boroughs, if considerable additions were made to them, would require division.

4. That the wishes of the inhabitants of the Borough, or of the districts proposed to be added, are opposed to annexation.

5. That the supposed community of interests within the Borough, and the districts proposed to be added, is not greater than between the Borough and other districts contiguous thereto.

6. Where a large number of county voters exist, and the outlying districts are not immediately connected in interest with the urban population of the contiguous Borough, it would be contrary to the wishes and feelings of the inhabitants to deprive them by annexation of the county franchise, or to change that franchise into a franchise for the Borough.

7. Where the inhabitants of the outlying districts have their own local board, their own local burdens, their own markets, their own shops, and their own business connection, they cannot be said to have such a community of interest with the town as to justify their annexation to it against their will.

8. Where the Municipal and Parliamentary Boundaries are conterminous, it is not advisable to disturb existing communities by bringing within them a new class of interests, seldom identical, and sometimes antagonistic.

9. Where outlying districts are not connected with a borough either by social or fiscal relations, it would be unjust to admit the inhabitants of such districts to its Parliamentary privileges unless they participated in the burdens and duties of a common citizenship.

10. Where portions of counties are to be annexed to boroughs, regard should be had to the maintenance of a reasonable number of electors in those counties, especially where counties or divisions of counties have been divided by the Act of 1867.

11. Where two towns are distinct or only slightly connected, they should not be joined together as a Parliamentary Borough, unless the principle of grouping be further extended by Parliament.

VI. All these circumstances, so far as they were brought under the notice of the Commissioners, appear to have been examined by them with the greatest care. But much additional information has, in many cases, been communicated to your Committee in petitions and memorials, called forth by the Report of the Commissioners, and also by conference with the Members representing the counties and boroughs affected by the Report. This information, and the larger powers conferred on your Committee, have led them to conclusions differing in some cases from those of the Commissioners.

VII. Your Committee now beg to submit their unanimous opinion upon all the cases which have been here referred to them.

VIII. Four new Boroughs have been referred to your Committee, viz., Darlington, Chelsea, Middlesbrough, and Stalybridge.

Darlington.—Your Committee are of opinion that the Parliamentary Boundary of the Borough should be the same as the Municipal Boundary, and they therefore recommend that the Parliamentary Boundary should be rectified accordingly.

Chelsea.—Your Committee concur in the Report of the Commissioners, except so far as the same relates to a portion of the parish of Chiswick, which they think should not be included in the new Borough. Your Committee recommend that the altered boundary should be as follows :—

The parish of St. Luke, Chelsea (including the detached portion).
The parish of Fulham.

The

The parish of Hammersmith.

The parish of St. Mary Abbott's, Kensington.

So much of the parish of Willesden at Kensal Green as adjoins the parish of Kensington, and the detached portion of the parish of Chelsea, and lies to the south of the London and North Western Railway, and to the west of a straight line to be drawn from the junction of the parishes of Willesden and Paddington, with the detached portion of the parish of Chelsea, to the nearest point in the southern fence of the London and North Western Railway opposite to the said junction.

Middlesborough.—Your Committee recommend that the Parliamentary borough shall include the whole of the Municipal Boundary, and such parts of the townships of Ormesby, Normanby, and Eston, as lie to the north of a straight line to be drawn from the south-east angle of the Municipal Boundary at Ormesby Beck, to a stile on the eastern boundary of the said Township of Eston, at which stile the footpath leading westward from Lackenby-lane, near Thorntree House, crosses Lackenby Beck.

Stalybridge.—Your Committee concur in the recommendation of the Commissioners.

IX. Twenty-nine old boroughs have been referred to your Committee.

In the seven following cases, your Committee concur with the recommendation made by the Commissioners, viz., Bolton, Chester, Greenwich, Newport (Monmouth), Northampton, Preston, Windsor.

In the case of Preston, however, legislation will be required, as the Commissioners suggest, to remove certain doubts with regard to the boundary of the borough, at a place called The Holm. They therefore recommend that the rectified boundary of Preston shall be as follows:—The present borough of Preston, together with The Holm, lying to the east of the present course of the River Ribble.

X. In the three following cases, your Committee also concur in the general observations made by the Commissioners at the commencement of their Report, viz., Newport (Isle of Wight), Salisbury, and Wilton; and they therefore recommend the following alterations:—

Newport (Isle of Wight).—The boundary line should be rectified by omitting all the words after the words "River Medina," in line 3, p. 25 of the Bill, and by inserting, instead thereof, the words, "The Boundary of the Borough in the River Medina is to be closed by a straight line to be drawn across the river according with the boundary last described."

Salisbury.—The boundary should be that of the present Borough of Salisbury, and that portion of the parish of Fisherton Anger adjoining the present borough (and now within the Borough of Wilton), which is contained within the following boundary; that is to say,—

From the north-western angle of the present boundary in the Devizes Road in a straight line to the point at which the western boundary of the parish of Fisherton Anger crosses the Wilton Road; thence along the boundary of the said parish to the point at which it meets the lower road from Fisherton to Bemerton; thence in a straight line, in a south-eastwardly direction, to the present boundary at the south-west corner of the premises occupied as the old Fisherton National School.

Wilton.—The boundary should be that of the present Borough of Wilton, except such part thereof as is included within the following boundary:—

From the north-western angle of the present boundary of the Borough of Salisbury in the Devizes Road, in a straight line to the point at which the western boundary of the parish of Fisherton Anger crosses the Wilton Road; thence along the boundary of the said parish to the point at which it meets the lower road from Fisherton to Bemerton; thence in a straight line, in a south-eastwardly direction to the present boundary of the said Borough of Salisbury at the south-west corner of the premises occupied as the old Fisherton National School.

XI. In the four following cases, namely, Cheltenham, Gloucester, Hastings, and Oldham, your Committee recommend the following alterations:—

CHELTENHAM.—They concur in so much of the Commissioners' Report as would include a portion of the parish of Leckhampton, but they would not include within the limits of the borough the parish of Charlton Kings. They therefore recommend that the boundary should be that of the present Borough of Cheltenham, together with so much of the parish of Leckhampton as lies between the present boundary of the borough and the following boundary, that is to say,—Leckhampton, from the point at which the present boundary crosses a road leading from the Old Bath Road to Leckhampton Church, southward, along the said road to the point nearly opposite Collum End Farm, at which it crosses a stream or ditch which falls into Hatherley Brook; thence northward, down the said stream or ditch to the point at which it crosses the present boundary.

GLOUCESTER.—A slight rectification of the boundary has been suggested by the Commissioners themselves; and the Committee recommend that the boundary should be rectified as follows:—By omitting in p. 16 of the Bill, first schedule, line 3, the words "northward along Sandhurst-lane to the point at which," and by inserting, instead thereof, the words "across Sandhurst-lane to and along a public highway leading therefrom to the Tewkesbury-road, thence in a straight line south-eastward to the point at which the turnpike-road from Gloucester to Cheltenham".

HASTINGS.—It would hardly be possible to draw any other than an artificial boundary line between the populous and the more rural districts, and the Committee therefore recommend that the new boundary should be described as follows:—

The present Borough of Hastings, and so much of the parishes of St. Leonard, St. Mary-in-the-Castle, and Ore, as lies between the present boundary of the borough and the following boundary; that is to say,—

"From the easternmost point at which the boundary of the parish of Ore meets the boundary of the parish of All Saints, northward along the boundary of the parish of Ore to the easternmost point of that boundary; thence westward in a straight line to the point opposite the Borough Cemetery, where the road known as Ore Lane meets the old road from Hastings to London; thence westward in a straight line to the northernmost point where the boundary of the parish of St. Leonard meets the road leading from St. Leonard's, past the Church at Tivoli, into the old road from Hastings to London, near the Arrow Inn; thence westward along the boundary of the parish of St. Leonard to the nearest point of the present boundary of the borough."

OLDHAM.—The Committee approve of the rectified boundary which has been suggested, with the general concurrence of all parties, and they therefore recommend that the boundary line should be as follows:—By leaving out in the Bill, p. 26, line 45, from the words "is crossed by Back Lane; thence along," &c. to the end of the description at line 8, page 27, and by inserting, instead thereof, the words "meets the County Boundary between Lancashire and Yorkshire; thence northward along the said County Boundary to the point at which it meets the present boundary of the borough at Mill Bottom."

XII. In the fifteen following cases, your Committee are of opinion that it would not be advisable to make any alteration in the existing boundaries: Birkenhead, Birmingham, Bristol, Gateshead, Lambeth, Liverpool, Marylebone, Manchester, Nottingham, Portsmouth, Reading, South Shields, Tynemouth, Warwick, and Wigan.

It is to be observed that in ten out of these fifteen boroughs, the Parliamentary and Municipal Boundaries are co-extensive; namely, Birmingham, Bristol, Gateshead, Nottingham, Portsmouth, Reading, South Shields, Tynemouth, Warwick, and Wigan.

XIII. In

XIII. In conclusion, your Committee deem it right to advert to one other circumstance specially connected with those towns which are counties in themselves, like Nottingham and Bristol. Upon these boroughs, the Commissioners remarked, that wherever additional districts might be included within them, "the freeholder in the parts added would, in the absence of any provision similar to that contained in the 31st section of the Reform Act, 1832 (2 Will. 4, c. 45), still vote for the county, notwithstanding that the freeholders within the existing Parliamentary area vote for the borough only." This anomaly has been urged as an additional reason in the cases of Nottingham and Bristol, why the existing boundaries of those boroughs should not be altered. And your Committee are of opinion that in case the boundaries of either of those boroughs should be extended, this anomaly should be dealt with by specific legislation.

29 May 1868.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 19*th May* 1868.

MEMBERS PRESENT:

Mr. Walpole.	Mr. Austin Bruce.
Mr. William Stirling-Maxwell.	Mr. Kirkman Hodgson.
Mr. Whitbread.	

Mr. *Walpole* was called to the Chair.

The Committee deliberated.

The Committee conferred with Mr. *C. Fremantle* and Mr. *J. Lambert.*

Mr. *Patrick Cumin,* Assistant Commissioner, was called before the Committee.

The Committee proceeded to consider the cases of the Boroughs referred to them.

Liverpool.

Report of Boundary Commissioners and Petitions read.

Mr. *Patrick Cumin,* Assistant Commissioner, examined.

Mr. *Graves,* a Member of the House, conferred with the Committee.

Manchester.

Report of Boundary Commissioners and Petitions read.

Mr. *Patrick Cumin* examined.

Oldham.

Report of Boundary Commissioners and Petitions read.

Mr. *Patrick Cumin* examined.

Birkenhead.

Report of Boundary Commissioners and Petitions read.

Mr. *Patrick Cumin* examined.

[Adjourned till To-morrow, at Twelve o'clock.

Wednesday, 20*th May* 1868.

Members all Present.

Liverpool.

The Committee conferred with Mr. *Horsfall,* Mr. *Turner,* and Mr. *Algernon Egerton,* Members of the House.

Manchester.

The Committee conferred with Mr. *Bazley* and Mr. *Jacob Bright,* Members of the House.

OLDHAM.

The Committee conferred with Mr. *Hibbert*, a Member of the House, who put in a Paper from the Town Clerk.

BIRKENHEAD.

The Committee conferred with Mr. *Laird*, Sir *Philip Egerton* (who put in a Paper and Map), and with Mr. *Tollemache*, Members of the House.

CHESTER.

Report of Boundary Commissioners read. No Petitions.

STALYBRIDGE.

Report of Boundary Commissioners and Petitions read.

Mr. *Patrick Cumin* examined.

The Committee conferred with Mr. *William Egerton*, a Member of the House.

WIGAN.

Report of Boundary Commissioners read. No Petitions.

Mr. *F. W. Gibbs*, Assistant Commissioner, examined.

PRESTON.

Report of Boundary Commissioners and Petitions read.

Mr. *F. W. Gibbs*, Assistant Commissioner, examined.

The Committee conferred with Sir *Thomas Hesketh* and Mr. *F. Stanley*, Members of the House.

A Paper was put in by Mr. *F. W. Gibbs*, and a Map by Sir *Thomas Hesketh*.

BOLTON.

Report of Boundary Commissioners and Petitions read.

Mr. *F. W. Gibbs* examined.

The Committee conferred with Mr. *Algernon Egerton*, a Member of the House, who handed in a Statement and a Map.

MIDDLESBOROUGH.

Report of Boundary Commissioners, read. No Petition.

Mr. *Frederick Clifford*, Assistant Commissioner, examined.

[Adjourned till To-morrow, at Twelve o'clock.

Thursday, 21*st May* 1868.

Members all Present.

CHESTER.

Earl *Grosvenor*, a Member of the House, conferred with the Committee.

A Letter was read from Mr. *W. H. Gladstone*, a Member of the House.

GATESHEAD.

Report of Boundary Commissioners and Petitions read.

Mr. *Algernon Bathurst,* Assistant Commissioner, examined.

Sir *Hedworth Williamson* and Mr. *Shafto,* Members of the House, conferred with the Committee.

WIGAN.

Mr. *Woods,* a Member of the House, conferred with the Committee, and put in a Paper.

SOUTH SHIELDS.

Report of Boundary Commissioners and Petitions read.

Mr. *A. Bathurst,* Assistant Commissioner, examined.

Sir *H. Williamson,* a Member of the House, conferred with the Committee.

TYNEMOUTH.

Report of Boundary Commissioners and Petitions read.

Mr. *A. Bathurst,* Assistant Commissioner, examined.

Mr. *Headlam,* a Member of the House, conferred with the Committee.

DARLINGTON.

Report of Boundary Commissioners read. No Petitions.

Mr. *A. Bathurst,* Assistant Commissioner, examined.

WIGAN.

Mr. *F. W. Gibbs,* Assistant Commissioner, examined.

NORTHAMPTON.

Report of Boundary Commissioners and Petitions read.

Mr. *Ralph C. Palmer,* Assistant Commissioner, examined.

GREENWICH.

Report of Boundary Commissioners and Petitions read.

Mr. *Joseph Kaye,* Assistant Commissioner, examined.

HASTINGS.

Report of Boundary Commissioners and Petitions read.

Mr. *Joseph Kaye,* Assistant Commissioner, examined, and handed in a Memorial addressed to the Assistant Commissioners.

[Adjourned till To-morrow, at Twelve o'clock.

Friday, 22nd May 1868.

Members all Present.

TYNEMOUTH.

Mr. *Liddell*, a Member of the House, conferred with the Committee, and put in a Map.

Mr. *Trevelyan*, a Member of the House, conferred with the Committee.

NORTHAMPTON.

Lord *Henley*, a Member of the House, conferred with the Committee.

BIRMINGHAM.

Report of Boundary Commissioners and Petitions read.

Mr. *John L. Wharton*, Assistant Commissioner, examined.

Mr. *Walter*, one of the Boundary Commissioners, conferred with the Committee.

Mr. *Bright* and Mr. *Dixon*, Members of the House, conferred with the Committee.

Mr. *H. F. Vernon*, a Member of the House, conferred with the Committee.

GREENWICH.

Mr. Alderman *Salomons*, a Member of the House, conferred with the Committee.

Mr. *Dyke*, a Member of the House, conferred with the Committee, and put in a Paper.

HASTINGS.

Mr. *Waldegrave-Leslie* and Mr. *P. Robertson*, Members of the House, conferred with the Committee. Mr. *Waldegrave-Leslie* handed in a statement.

WARWICK.

Report of Boundary Commissioners and Petitions read.

Mr. *John L. Wharton*, Assistant Commissioner, examined.

Mr. *Repton* and Mr. *A. W. Peel*, Members of the House, conferred with the Committee.

CHELTENHAM.

Report of Boundary Commissioners and Petitions read.

Mr. *Schreiber*, a Member of the House, conferred with the Committee, and put in two Memorials and Maps.

Sir *Michael Hicks Beach*, a Member of the House, conferred with the Committee, and handed in a Paper.

GLOUCESTER.

Report of Boundary Commissioners read. No Petitions.

Mr. *J. S. Dugdale*, Assistant Commissioner, examined.

Mr. *W. P. Price*, a Member of the House, conferred with the Committee.

[Adjourned till To-morrow, at Twelve o'clock.

Saturday, 23rd May 1868.

Members all Present.

WIGAN.

A Paper received from Mr. *Eckersley*, a Member of the House, was put in, and read.

DARLINGTON—SOUTH SHIELDS.

Mr. *C. F. Surtees*, a Member of the House, conferred with the Committee.

The Committee deliberated upon the cases already heard.

OLDHAM.

Resolved, "That the Committee approve of the suggestion by the Town Clerk of Oldham, as put in by Mr. *Hibbert*, and refer it to Colonel *G. C. Bayley*, R. E., to settle the same in detail"—(Mr. *Whitbread*).

BIRKENHEAD.

Resolved, "That no addition be made to the existing Parliamentary Boundaries of Birkenhead"—(Mr. *H. A. Bruce*).

CHESTER.

Resolved, "That the Committee concur in the Report of the Commissioners with regard to Chester"—(Mr. *Austin Bruce*).

PRESTON.

Resolved, "That the Committee concur in the recommendations of the Commissioners with regard to Preston, and that the doubts as to the Boundary of 'the Holm' should be removed by Act of Parliament, in accordance with the recommendation of the Commissioners"—(Mr. *Austin Bruce*).

BOLTON.

Resolved, "That the Committee concur in the Report of the Commissioners with regard to Bolton-le-Moors"—(Mr. *Kirkman Hodgson*).

GATESHEAD.

Resolved, "That no addition be made to the existing Parliamentary Boundaries of Gateshead"—(Sir *W. Stirling-Maxwell*).

SOUTH SHIELDS.

Resolved, "That no addition be made to the existing Parliamentary Boundaries of South Shields"—(Mr. *Whitbread*).

TYNEMOUTH.

Resolved, "That no addition be made to the existing Parliamentary Boundaries of Tynemouth"—(Mr. *Austin Bruce*).

NORTHAMPTON.

Resolved, "That the Committee concur in the Report of the Commissioners with regard to Northampton"—(Sir *W. Stirling-Maxwell*).

WARWICK.

Resolved, "That no addition be made to the existing Parliamentary Boundaries of Warwick"—(Mr. *Kirkman Hodgson*).

CHELTENHAM.

Resolved, "That the Committee concur in so much of the Report of the Commissioners as recommends the addition of a portion of the parish of Leckhampton to the Borough of Cheltenham"—(Mr. *Austin Bruce*).

Resolved, "That in other respects the existing Parliamentary Boundaries of the said borough be maintained."—(Mr. *Austin Bruce.*)

GLOUCESTER.

Resolved, "That the Committee approve of the rectification of the boundary line of the Borough of Gloucester, as suggested by Mr. Dugdale, the Assistant Commissioner, and refer the same to Colonel *G. C. Bayley*, R. E., to settle the details"—(Mr. *Austin Bruce*).

LIVERPOOL.

Resolved, "That no addition be made to the existing Parliamentary Boundaries of Liverpool"—(Mr. *Whitbread*).

MANCHESTER.

Resolved, "That no addition be made to the existing Parliamentary Boundaries of Manchester"—(Mr. *Austin Bruce*).

The Committee deliberated.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 25*th May* 1868.

Members all Present.

BRISTOL.

Report of Boundary Commissioners read. No Petitions.

A Memorial from Inhabitants of St. George's, handed in by Colonel *Kingscote*, a Member of the House, was read.

Mr. *J. S. Dugdale* examined.

Colonel *Kingscote* and Colonel *E. Somerset*, Members of the House, conferred with the Committee.

Colonel *E. Somerset* handed in a Memorandum.

WARWICK.

Sir *Charles Mordaunt*, a Member of the House, conferred with the Committee.

Darlington—Middlesborough.

Mr. *Pease*, a Member of the House, conferred with the Committee.

A Petition from *Linthorpe*, presented since the Committee considered the case of *Middlesborough*, was read.

Newport (Isle of Wight).

Report of Boundary Commissioners and Petition read.

Mr. *C. Wykeham Martin* and Mr. *Kinnaird*, and Sir *C. Simeon*, Members of the House, conferred with the Committee.

Mr. *C. W. Martin* and Sir *C. Simeon* handed in Papers.

Newport (Monmouthshire).

Report of Boundary Commissioners and Petition and Memorials read.

The Report of Mr. *Johnstone*, the Assistant Commissioner, was read.

Mr. *Octavius Morgan*, a Member of the House, conferred with the Committee.

Portsmouth.

Report of Boundary Commissioners and Petitions read.

A Letter addressed to Mr. Secretary *Hardy*, and forwarded to the Committee, was read.

A Letter addressed to the Boundary Commissioners from the Gosport Local Authority was read.

Mr. *J. Horne Payne*, Assistant Commissioner, examined.

Mr. *Stone* and Mr. Serjeant *Gaselee*, Members of the House, conferred with the Committee.

Mr. Serjeant *Gaselee* put in certain Papers.

Sir *Jervoise C. Jervoise* and Colonel *Hamlyn Fane*, Members of the House, conferred with the Committee.

Reading.

Report of Boundary Commissioners and Reports and Memorials read.

Mr. *J. Horne Payne* examined.

Sir *Francis Goldsmid*, Sir *Charles Russell*, and Mr. *G. Shaw Lefevre*, Members of the House, conferred with the Committee.

Windsor.

Report of Boundary Commissioners and Petitions read.

Mr. *J. Horne Payne* examined.

Mr. *Eykyn* and Mr. *Edwards*, Members of the House, conferred with the Committee.

Wilton.—Salisbury.

Reports of Boundary Commissioners read. No Petitions.

A Letter from Mr. *E. Hamilton*, a Member of the House, was read.

A Memorial from Mr. *A. B. Middleton* was read.

A Memorial from Fisherton, addressed to the Boundary Commissioners, was handed in and read.

Mr. *Antrobus*, a Member of the House, conferred with the Committee.

Colonel *Hamley*, R.A., Assistant Commissioner, examined.

[Adjourned till To-morrow, at Twelve o'clock.

Tuesday, 26th May 1868.

Members all Present.

MIDDLESBOROUGH.

Mr. *Pease*, a Member of the House, conferred with the Committee.

NOTTINGHAM.

Report of Boundary Commissioners and Petitions read.

Mr. *Edward Bullock*, Assistant Commissioner, examined.

Viscount *Amberley*, a Member of the House, conferred with the Committee.

Mr. Speaker conferred with the Committee.

Mr. *Hildyard* and Lord *Edward Clinton*, Members of the House, conferred with the Committee.

MARYLEBONE.

Report of Boundary Commissioners and Petitions and Memorials read.

Mr. *Nassau J. Senior*, Assistant Commissioner, examined.

Viscount *Enfield*, a Member of the House, conferred with the Committee.

CHELSEA.

Report of Boundary Commissioners and Petitions read.

Mr. *Nassau J. Senior*, Assistant Commissioner, examined.

Mr. *Labouchere*, a Member of the House, conferred with the Committee.

LAMBETH.

Report of Boundary Commissioners and Petition read.

A Letter from Mr. *Doulton*, a Member of the House, addressed to the Boundary Commissioners, was put in and read.

Mr. *Nassau J. Senior* examined.

HASTINGS.

Mr. *Joseph Kaye* and Captain *Palmer*, R.E., Assistant Commissioners, conferred with the Committee.

NEWPORT (MONMOUTHSHIRE).

Mr. *Crawshay Bailey*, a Member of the House, conferred with the Committee.

The Committee further deliberated on the cases already heard.

NEWPORT (ISLE OF WIGHT).

Resolved, "That the Boundary of the Borough of Newport, Isle of Wight, should be drawn in a straight line across the Medina, at Fairlee Hole, by joining in a straight line the new limits recommended by the Commissioners on either side of the river, thus circumscribing the Parliamentary boundary, so as to include only such premises as are immediately connected with the town of Newport"—(Mr. *Kirkman Hodgson*).

Resolved, "That it be referred to Colonel *Bayley* to settle the boundaries accordingly, with such verbal alterations as have been suggested by the Members for the said Borough"—(Mr. *Kirkman Hodgson.*)

[Adjourned till To-morrow, at Twelve o'clock.

Wednesday, 27th May 1868.

Members all Present.

The Committee further deliberated.

NEWPORT (MONMOUTHSHIRE).

Resolved, "That the Committee are not prepared to recommend a departure from the recommendations of the Commissioners in the case of the Borough of Newport (Monmouthshire)"—(Sir *W. Stirling-Maxwell*).

PORTSMOUTH.

Resolved, "That no addition be made to the existing Parliamentary boundaries of Portsmouth"—(Mr. *Austin Bruce*).

READING.

Resolved, "That no addition be made to the existing Parliamentary boundaries of Reading"—(Mr. *Whitbread*).

WINDSOR.

Resolved, "That the Committee concur in the report of the Commission with regard to Windsor"—(Mr. *Kirkman Hodgson*).

SALISBURY.

Resolved, "That so much of the parish of Fisherton Angar as lies within the Borough of Wilton be added to the Borough of Salisbury, and that the Committee refer to Colonel Bayley to settle the details"—(Sir *W. Stirling-Maxwell*).

WILTON.

Resolved, "That so much of the parish of Fisherton Angar as lies within the Borough of Wilton be taken from the said borough, and that the Committee refer to Colonel Bayley to settle the details"—(Sir *W. Stirling-Maxwell*).

MARYLEBONE.

Resolved, "That no addition be made to the existing Parliamentary boundaries of Marylebone"—(Mr. *Kirkman Hodgson*).

LAMBETH.

Resolved, "That no addition be made to the existing Parliamentary boundaries of Lambeth"—(Mr. *Austin Bruce*).

GREENWICH.

Resolved, "That the Committee concur in the Report of the Commissioners with regard to Greenwich"—(Sir *W. Stirling-Maxwell*).

WIGAN.

Mr. *Woods*, a Member of the House, conferred with the Committee, and put in a statement and two memorials.

Resolved, "That no addition be made to the existing Parliamentary boundaries of Wigan"—(Mr. *Whitbread*).

NOTTINGHAM.

Resolved, "That no addition be made to the existing Parliamentary boundaries of Nottingham"—(Mr. *Kirkman Hodgson*).

BRISTOL.

Resolved, "That no addition be made to the existing Parliamentary boundaries of Bristol"—(Mr. *Austin Bruce*).

STALYBRIDGE.

Resolved, "That the Committee concur in the Report of the Commissioners with regard to Stalybridge"—(Mr. *Whitbread*).

DARLINGTON.

Resolved, "That the Parliamentary boundary of the Borough of Darlington be the same as the municipal boundary of the said borough"—(Mr. *Kirkman Hodgson*).

CHELSEA.

Resolved, "That the Committee concur in the Report of the Commissioners with regard to Chelsea, except so far as the same relates to a portion of the parish of Chiswick, which they recommend should not be included, and refer it to Colonel *Bayley* to settle the details"—(Mr. *Austin Bruce*).

[Adjourned till To-morrow, at Two o'clock.

Thursday, 28*th May* 1868.

Members all Present.

CHESTER.

Lord *Richard Grosvenor*, a Member of the House, conferred with the Committee.

SALISBURY.

Memorials with regard to this Borough were read.

A resolution agreed to by the Town Council of this Borough, and forwarded to the Committee, was read.

HASTINGS.

Resolved, "That the Parliamentary boundary of the Borough of Hastings shall be enlarged, but not to the extent recommended by the Commissioners, and that it be referred to Colonel Bayley to settle the details"—(Mr. *Kirkman Hodgson*).

BIRMINGHAM.

Mr. *Newdegate*, a Member of the House, conferred with the Committee and read a paper.

The Committee further deliberated.

[Adjourned till To-morrow, at One o'clock.

Friday, 29th May 1868.

Members all Present.

BIRMINGHAM.

The paper read yesterday by Mr. *Newdegate* was received and put in.

The Committee further deliberated.

Resolved, "That no addition be made to the existing Parliamentary boundaries of the borough of Birmingham"—(Mr. *Kirkman Hodgson*).

MIDDLESBOROUGH.

Colonel *Duncombe*, a Member of the House, conferrred with the Committee, and put in copies of two Memorials from the inhabitants of Eston.

Resolved, "That the Parliamentary boundaries of Middlesborough shall include the whole of the municipal boundary, and such parts of the Townships of Ormesby, Normanby, and Eston as lie to the north of a straight line to be drawn from the south-east angle of the municipal boundary at Ormesby Beck to a stile on the eastern boundary of the said Township of Eston, at which stile the footpath leading westward from Lackenby Lane, near Thorntree House, crosses Lackenby Beck"—(Mr. *Whitbread*).

Colonel *Bayley* to settle the details.

SALISBURY.

The following documents were laid before the Committee:—

A Letter from Mr. *Hamilton*, a Member of the House, enclosing a resolution agreed to by the Town Council.

A Letter from Mr. *A. B. Middleton*.

A Memorial from the inhabitants addressed to the Committee.

The Committee further deliberated.

Draft Report read the first and second time, amended, and *agreed to*.

Ordered to Report.

REPORT

FROM THE

SELECT COMMITTEE

ON

BOUNDARIES OF BOROUGHS;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed*,
29 *May* 1868.

311.

Under 2 oz.

BRISTOL ELECTION

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

BRISTOL ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1867-8.)

Ordered, by The House of Commons, *to be Printed*,
30 *June* 1868.

Wednesday, 17*th June* 1868.

NAMES of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the City of Bristol:—

Thomas Bazley, Esq.	Lord George J. Manners (Camb. Co.)
Gabriel Goldney, Esq.	Robert Jasper More (Salop, S.)

EDWARD HOWES, Esq., Chairman.

Thursday, 18*th June* 1868.

Ordered, THAT the Petition relative to the said Election be referred to the Committee.

Ordered, THAT the Committee do meet To-morrow in one of the Committee Rooms of the House, at Twelve of the clock.

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PROCEEDINGS OF THE COMMITTEE - - - - p. v

MINUTES OF EVIDENCE - - - - - - - p. 1

REPORT.

REFORM CLUB PALL MALL

BRISTOL ELECTION COMMITTEE.

Thursday, 25th June 1868.

THE HOUSE informed, that the Committee had determined,—

That John William Miles, Esquire, is not duly elected a Citizen to serve in this present Parliament for the City of Bristol.

That the last Election for the said City is a void Election.

The House further informed, that the Committee had agreed to the following Resolutions:—

That the said John William Miles, was, by his Agent, guilty of bribery at the last Election for the City of Bristol, but such bribery was committed without the knowledge or consent of the said J. W. Miles.

That Alfred Davis, Charles Redman, Henry Alexander Wood, Edward Wood, James Peters, Thomas Benjamin Green, Francis Kiddle, John Pope, William Edward Mills, John Fox, Simon Hiscox, William Webber, and Frederick Headley were bribed with the sum of ten shillings each to vote for the said John William Miles by William Wilkinson Woods, an Agent of the said John William Miles, and the snm of ten shillings was offered to Robert Weaver, as a bribe for the same purpose, by the said William Wilkinson Woods.

That the following persons were bribed at the said Election to vote for the said John William Miles (that is to say):—

William Andrews and Samuel William Andrews with fifteen shillings each; and James Sale with forty shillings, by Daniel Parsley:

John Flower with twenty shillings, by William Parsley; William Ellacott with ten shillings and Joseph Smith with twenty shillings, by James Sale:

George Thomas and Thomas Richard Watts with twenty shillings each by Frederick George Barmester:

Thomas Frodson and Robert Watts with twenty shillings each by Charles Goode:

Jeremiah Connell with ten shillings by William Bryant, junior:

And Charles Jacobson with five shillings by Henry Rowe:

That an offer of ten shillings was made to Albert Hawkins, and a sum of money to Edward Bennett, by Charles Stevens, as bribes to induce them to vote for the said John William Miles.

That it was not proved that the last mentioned bribes, and offers of bribes, were made with the knowledge or consent of the said John William Miles, or any of his Agents.

That a valuable consideration was offered by James Gathercole and Elias Eyres, or one of them, to Thomas Rowe, William Waller, Edwin Evans, Thomas Sherar, Joseph Groves, William Smith, Henry Godsell, William Devey, and John Norris, to induce them to personate voters at the said Election, and that Thomas Rowe, William Waller, Edwin Evans, Thomas Sherar, and Joseph Groves, did personate voters at the said Election; but it was not proved that such offers were made, or that such personation was committed, with the knowledge or consent of the said John William Miles, or any of his Agents.

That it was proved to the Committee that treating prevailed to some extent at the said Election; but it was not proved that such treating took place with the knowledge of the said John William Miles.

That the Committee have no reason to believe that corrupt practices extensively prevailed at the said Election, regard being had to the number of Registered Electors for the said City of Bristol.

PROCEEDINGS OF THE COMMITTEE.

Friday, 19*th June* 1868.

NAMES of Members called over;—all present.

Room cleared.—The Committee agreed to the following Resolutions:—

That Counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission to do so.

That if costs be demanded by either party under the 11 & 12 Vict. c. 38, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.

That the Committee expect that with respect to cases of bribery, or offers or promises of money, or other valuable consideration, which it is intended to bring home to the Sitting Member or his agents, the Counsel for the Petitioners will now state the names of the electors bribed, or to whom such offers were so made, and those of the persons who actually gave the bribes, or offered so to do.

The Committee, however, reserve to themselves a power, upon the special application of Counsel, to proceed with any case which tends to inculpate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognisant.

That with respect to treating, the Committee will expect Counsel to state the times and places where such treating is alleged to have taken place.

That with respect to undue influence, the Committee will require to be furnished with a list of the persons who are alleged to have been subjected to such undue influence, and also with a list of those who are alleged to have exercised it.

The Committee, however, reserve to themselves a discretionary power as in cases of bribery.

That no person shall be examined as a witness who shall have been in the room during any of the proceedings, with the exception of the agents, whose names shall be handed in, without the special leave of the Committee.

That the Committee will only allow one Counsel to address them on opening the case, and one Counsel on the summing up.

That if any point of law should arise requiring argument, the Committee reserve to themselves the power of hearing only one Counsel on each side.

That if the leading Counsel are not prepared to sum up the case on either side when the evidence is terminated, the Committee will not protract the proceedings of Counsel who may be absent.

Parties called in, and informed of the above Resolutions.

The Petition of certain Electors of the City of Bristol, against the return, was read.

Counsel for the Petitioners:—Serjeant *Ballantine*, Mr. *Henry James*, and Mr. *J. F. Norris*.

Agents:—Mr. *Thomas Hoskins*, Mr. *William Brittan*, and Mr. *Alfred Brittan*.

Counsel for the Sitting Member:—Mr. *Hardinge Giffard*, Q. C., Mr. *Staveley Hill*, Q. C., and Mr. *Henry Matthews*, Q. C.

Agents:—Messrs. *Baxter, Rose, Norton, & Co.*, Mr. *Thomas Danger*, and Mr. *L. Ward*.

Serjeant *Ballantine* was heard to open the case in support of the Petitioners.

The Short-hand writer was sworn by the Chairman.

Mr. *James Richard Naylor*, sworn; produced writ and return, and 53 poll book of the last election for the city of Bristol.

William Wilkinson Woods, sworn; examined by Mr. *H. James*; cross-examined by Mr. *Hardinge Giffard*; re-examined by Mr. *H. James*.

William Richard Cox, sworn; examined by Mr. *H. James*; cross-examined by Mr. *Hardinge Giffard*; re-examined by Serjeant *Ballantine*.

Alfred Horder, sworn; examined by Serjeant *Ballantine*; cross-examined by Mr. *Hardinge Giffard*; re-examined by Serjeant *Ballantine*.

Harriette Weaver, sworn; examined by Mr. *Norris*; cross-examined by Mr. *Hardinge Giffard*.

Charles H. Smith, sworn; examined by Serjeant *Ballantine*; cross-examined by Mr. *Hardinge Giffard*; re-examined by Serjeant *Ballantine*.

Thomas David Taylor, sworn; examined by Mr. *H. James*.

[Adjourned to To-morrow, at Eleven o'clock.

Saturday, 20*th June* 1868.

NAMES of Members called over;—all present.

Thomas David Taylor; further examined by Mr. *H. James*; cross-examined by Mr. *H. Matthews*.

George Weaver, sworn; examined by Mr. *H. James*; cross-examined by Mr. *Hardinge Giffard*; re-examined by Mr. *H. James*.

Thomas Benjamin Green, sworn; examined by Mr. *H. James*.

Alfred Hall, sworn; examined by Mr. *H. James*.

William Smallcombe, sworn; examined by Mr. *H. James*; cross-examined by Mr. *Hardinge Giffard*; re-examined by Serjeant *Ballantine*.

John Latham, sworn; examined by Mr. *Norris*.

Mr. *James Davidson Wadham*, sworn; examined by Mr. *Norris*; produced register of last election.

[Adjourned to Monday next, at Twelve o'clock.

Monday, 22*nd June* 1868.

NAMES of Members called over;—all present.

Alfred Davis, sworn; examined by Serjeant *Ballantine*; cross-examined by Mr. *H. Matthews*; re-examined by Serjeant *Ballantine*.

William Edward Mills, sworn; examined by Serjeant *Ballantine*.

Samuel Guppy, sworn; examined by Serjeant *Ballantine*; cross-examined by Mr. *H. Matthews*.

George Maggs, sworn; examined by Serjeant *Ballantine*; cross-examined by Mr. *H. Matthews*; re-examined by Serjeant *Ballantine*.

Thomas Rowe, sworn; examined by Mr. *Norris*.

Mr. *H. Matthews*, objected that evidence of bribery in this case could not be gone into, as it was alleged that the witness was not a voter, and only bribed to personate one.

Mr. Serjeant *Ballantine* was heard against the objection.

Mr. *Hardinge Giffard*, was heard in reply.

The Committee decided that the evidence could be admitted.

Examination continued.—Cross-examined by Mr. *H. Matthews.*

William Waller, sworn; examined by Serjeant *Ballantine*; cross-examined by Mr. *H. Matthews*; re-examined by Serjeant *Ballantine.*

William Devey, sworn; examined by Mr. *F. Norris.*

William Smith, sworn; examined by Serjeant *Ballantine.*

Edwin Evans, sworn; examined by Mr. *Norris*; cross-examined by Mr. *Hardinge Giffard.*

John Norris, sworn; examined by Mr. *Norris*; cross-examined by Mr. *Hardinge Giffard.*

Thomas Sherar, sworn; examined by Mr. *Norris.*

Henry Godsall, sworn; examined by Mr. *Norris*; cross-examined by Mr. *Hardinge Giffard.*

Joseph Groves, sworn; examined by Mr. *Norris*; cross-examined by Mr. *H. Matthews.*

Richard Moore, sworn; examined by Serjeant *Ballantine.*

Jacob Thomas Spencer, sworn; examined by Serjeant *Ballantine*; cross-examined by Mr. *Hardinge Giffard.*

Michael Watts Grogan, sworn; examined by Mr. *H. James*; cross-examined by Mr. *H. Matthwes*; re-examined by Mr. *H. James.*

Isaac Bush, sworn; examined by Mr. *H. James*; cross-examined by Mr. *Hardinge Giffard*; re-examined by Mr. *H. James.*

[Adjourned to To-morrow, at Eleven o'clock.

Tuesday, 23rd June 1868.

Names of Members called over;—all present.

Short-hand writer sworn by the Chairman.

Frederick Headley, sworn; examined by Serjeant *Ballantine.*

Samuel William Andrews, sworn; examined by Serjeant *Ballantine*; cross-examined by Mr. *H. Matthews*; re-examined by Mr. *H. James.*

William Andrews, sworn; examined by Mr. *Norris*; cross-examined by Mr. *H. Matthews*; re-examined by Mr. *H. James.*

John Flower, sworn; examined by Mr. *H. James*; cross-examined by Mr. *Matthwes.*

William Ellacott, sworn; examined by Mr. *Norris*; cross-examined by Mr. *H. Matthews.*

James Sale, sworn; examined by Mr. *H. James*; cross-examined by Mr. *Hardinge Giffard.*

Joseph Smith, sworn; examined by Mr. *F. Norris.*

Isaac Bayley, sworn; examined by Mr. *H. James*; cross-examined by Mr. *Hardinge Giffard*; re-examined by Serjeant *Ballantine.*

Isaac Dowling, sworn; examined by Serjeant *Ballantine.*

Mary Tanner, sworn; examined by Serjeant *Ballantine.*

John Simonds, sworn; examined by Mr. *H. James.*

Charlotte Watts, sworn, examined by Mr. *H. James*; cross-examined by Mr. *Hardinge Giffard.*

Matthew Gregory, sworn; examined by Mr. *H. James.*

Thomas Richard Moss, sworn; examined by Mr. *Norris*; cross-examined by Mr. *H. Matthews.*

John Titerton, sworn; examined by Mr. *H. James.*

George Thomas, sworn; examined by Mr. *H. James*; cross-examined by Mr. *H. Matthews.*

Thomas Frodsam, sworn; examined by Mr. *Norris*; cross-examined by Mr. *H. Matthews.*

Robert Bennett, sworn; examined by Mr. *H. James.*

Jeremiah Connell, sworn; examined by Mr. *Norris*; cross-examined by Mr. *Staveley Hill.*

Charles Jacobson, sworn; examined by Mr. *H. James*; cross-examined by Mr. *Hardinge Giffard.*

Aaron Styles, sworn; examined by Mr. *Norris.*

Alfred Hawkins, sworn; examined by Mr. *Norris*; cross-examined by Mr. *H. Matthews.*

Edward Bennett, sworn; examined by Mr. *Norris.*

Mark Virgo, sworn; examined by Mr. *H. James*; cross-examined by Mr. *Hardinge Giffard*; re-examined by Serjeant *Ballantine.*

Edward Webb, sworn; examined by Serjeant *Ballantine*; cross-examined by Mr. *H. Matthews.*

Selina Dredge, sworn; examined by Serjeant *Ballantine.*

Thomas Ely, sworn; examined by Mr. *Norris*; cross-examined by Mr. *H. Matthews.*

Thomas Pratten, sworn: but having been in the room during part of the proceedings, was not examined.

Thomas Wornall, sworn; examined by Mr. *H. James.*

Robert Coombs, sworn; examined by Mr. *H. James*; cross-examined by Mr. *H. Matthews*; re-examined by Mr. *H. James.*

Serjeant *Ballantine* stated that that was the case for the Petitioner.

[Adjourned to To-morrow, at Eleven o'clock.

Wednesday, 24th June 1868.

NAMES of Members called over;—all present.

Mr. *Hardinge Giffard* was heard on behalf of the Sitting Member, and called the following witnesses:

Dr. *Henry Robertson,* sworn; examined by Mr. *Staveley Hill*; cross-examined by Serjeant *Ballantine*; re-examined by Mr. *Staveley Hill.*

John William Stone Dix, sworn; examined by Mr. *Staveley Hill*; cross-examined by Mr. *H. James*; re-examined by Mr. *Staveley Hill.*

Mr. *Francis Frederick Fox,* sworn; examined by Mr. *Staveley Hill.*

Mr. *Henry Robert Fargus,* sworn; examined by Mr. *Staveley Hill*; cross-examined by Serjeant *Ballantine.*

Mr. *George Bragg,* sworn; examined by Mr. *Staveley Hill*; cross-examined by Serjeant *Ballantine*; re-examined by Mr. *Hardinge Giffard.*

Mr. *William Maypowder,* sworn; examined by Mr. *Staveley Hill*; cross-examined by Mr. *H. James*; re-examined by Mr. *Staveley Hill.*

Mr. *Henry William Brittan,* sworn; examined by Mr. *Hardinge Giffard*; cross-examined by Mr. *H. James*; re-examined by Mr. *Hardinge Giffard.*

Mr. *George Rock Woodward,* sworn; examined by Mr. *Staveley Hill*; cross-examined by Mr. *H. James*; re-examined by Mr. *Staveley Hill.*

Uriah Allsopp, sworn; examined by Mr. *Hardinge Giffard*; cross-examined by Serjeant *Ballantine*; re-examined by Mr. *Hardinge Giffard.*

Mr. *Henry Abbott,* sworn; but, having been in the room during part of the proceedings, was not examined.

Mr. *Charles Henry Ward,* sworn; examined by Mr. *Hardinge Giffard.*

Mr. *Hardinge Giffard* was heard to sum up the evidence on behalf of the Sitting Member.

Mr. Serjeant *Ballantine* replied on the whole case.

Room cleared.

[Adjourned to To-morrow, at Eleven o'clock.

Thursday, 25th June 1868.

NAMES of Members called over;—all present.

The Committee deliberated.—Motion made, and Question proposed, "That William Andrews and Samuel William and others were bribed by Daniel Parsley"—(Mr. *Howes*).—Amendment proposed, at the end of the Question, to add the words, "An agent of Mr. Miles"—(Mr. *Bazley*).—Question put, That those words be there added.—The Committee divided:

Aye, 1.	Noes, 4.
Mr. Bazley.	Mr. Goldney. Lord G. Manners. Mr. More. Mr. Howes.

1. Main Question put, and *agreed to.*

Motion made, and Question proposed, "That Alfred Davis and others were bribed by William Wilkinson Woods, an Agent of Dr. Robertson"—(Mr. *Howes*).—Amendmnet proposed, to leave out the words "an Agent of Dr. Robertson"—(Mr. *Goldney*).—Question put, That those words stand part of the Question.—The Committee divided:

Ayes, 4.	Noe, 1.
Mr. Bazley. Lord G. Manners. Mr. More. Mr. Howes.	Mr. Goldney.

Another Amendment proposed, at the end of the Question, to add the words "the Chairman of St. James Committee, and an Agent of Mr Miles"—(Mr. *Howes*).—Question put, That those words be there added.—The Committee divided:

Ayes, 4.	Noe, 1.
Mr. Bazley. Lord G. Manners. Mr. More. Mr. Howes.	Mr. Goldney.

2. Main Question, as amended, put, and *agreed to.*

3. Motion made, and Question put, "That John William Miles, Esq., was by his agents guilty of bribery at the last election for the City of Bristol"—(Mr. *Howes*).—The Committee divided:

Ayes, 4.	Noe, 1.
Mr. Bazley. Lord G. Manners. Mr. Moore. Mr. Howes.	Mr. Goldney.

4. *Resolved*, But that such bribery was committed without the knowledge or consent of the said J. W. Miles.

5. Motion made, and Question put, That the last Election for the said city is a void Election.—The Committee divided:

Ayes, 4.	Noe, 1.
Mr. Bazley. Lord G. Manners. Mr. More. Mr. Howes.	Mr. Goldney.

6. *Resolved,* That a valuable consideration was offered by James Gathercole and Elias Eyres, or one of them, to Thomas Rowe, William Waller, Edwin Evans, Thomas Sherar, Joseph Groves, William Smith, Henry Godsell, William Devey, and John Norris, to induce them to personate voters at the said election; and that Thomas Rowe, William Waller, Edwin Evans, Thomas Sherar, and Joseph Groves, did personate voters at the said election, but it was not proved that such offers were made, or that such personation was committed, with the knowledge or consent of the said John William Miles or any of his agents.

7. *Resolved,* That it was proved to the Committee that treating prevailed to some extent at the said election, but it was not proved that such treating took place with the knowledge of the said John William Miles.

8. *Resolved,* That the Committee have no reason to believe that corrupt practices extensively prevailed at the said election, regard being had to the number of registered electors for the said City of Bristol.

Parties called in, and informed of the decisions of the Committee.

Room cleared.—The Committee deliberated.

9. *Resolved,* That Alfred Davis, Charles Redman, Henry Alexander Wood, Edward Wood, James Peters, Thomas Benjamin Green, Francis Kiddle, John Pope, William Edward Mills, John Fox, Simon Hiscox, William Webber, and Frederick Headley, were bribed with the sum of 10 *s.* each, to vote for the said John William Miles, by William Wilkinson Woods, an Agent of the said John William Miles; and the sum of 10 *s.* was offered to Robert Weaver, as a bribe for the same purpose, by the said William Wilkinson Woods.

10. *Resolved,* That the following persons were bribed at the said election to vote for the said John William Miles (that is to say): William Andrews and Samuel William Andrews, with 15 *s.* each, and James Sale, with 40 *s.*, by Daniel Parsley. John Flower, with 20 *s.*, by William Parsley. William Ellacott, with 10 *s.*, and Joseph Smith, with 20 *s.*, by James Sale. George Thomas and Thomas Richard Watts, with 20 *s.* each, by Frederick George Burmester. Thomas Frodson and Robert Bennett, with 20 *s.* each, by Charles Goode. Jeremiah Connell, with 10 *s.*, by William Bryant, jun., and Charles Jacobson, with 5 *s.*, by Henry Rowe. That an offer of 10 *s.* was made to Albert Hawkins, and a sum of money to Edward Bennett, by Charles Stephens, as bribes, to induce them to vote for the said John William Miles.

Ordered, To Report Resolutions 3, 4, 5, 6, 7, 8, 9, and 10, to the House.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Friday, 19*th June* 1868.

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MINUTES OF EVIDENCE.

Friday, 19*th June* 1868.

MEMBERS PRESENT:

Mr. Bazley.
Mr. Goldney.
Lord George Manners.
Mr. More.

EDWARD HOWES, Esq., IN THE CHAIR.

The names of the Members were called over:—All present.

Mr. JAMES RICHARD NAYLOR was called in; and, having been sworn, was Examined by Mr. *James*, as follows:—

Mr. *J. R. Naylor.*

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1. YOU are the Principal Clerk to the Crown Office?—Yes.

2. I believe you have in your possession the writ and the return for the sitting Member, Mr. Miles, the Member for Bristol?—Yes.

3. Produce them?—(*The witness did so*).

4. Will you give the Committee the dates of the election from the returns?—The indenture was made on Thursday the 30th of April.

5. That would be the next day?—Yes.

6. With your permission I will give the dates to the Committee: the date of the poll, April 29th; the date of the nomination, April the 28th; you also produce the original poll books?—Yes (*producing the same*).

Mr. WILLIAM WILKINSON WOODS was called in; and, having been sworn, was Examined by Mr. *James*, as follows:—

Mr. *W. W. Woods.*

7–8. Do you reside at Bristol?—Yes.

9. What are you by business and occupation?—A Commercial Traveller.

10. Are you acquainted with a person of the name of William Richard Cox?—I am.

11. What is Cox?—I think he is a leather merchant.

12. The night before the election at Bristol, were you stopping at the same house with Cox?—I was.

13. Was that the night before the polling, or the nomination?—The night before the election.

14. Before the polling?—Yes; before the polling.

15. Where was that?—5, Seymour Villas.

16. Did Cox make a request to you about getting up the next morning, and knocking up the voters?—Yes.

17. What was that?—He said, "Get up, call me at half-past five in the morning, and go out with me polling."

18. Did you get up early in the morning, and go out with Cox?—I did.

19. Did you first see and arouse some voters in Stapleton-row, with him, and then did you go to Miles's committee-room?—I went down Stapleton-row, called upon some voters there, and from there to Mr. Allsop's.

20. What Mr. Allsop is that?—He is a cabinet-maker in the City.

21. Uriah Allsop?—Yes.

22. Did anything take place when you went to Mr. Allsop, between you, or between Cox and him, in your presence?—He merely said that we would go across to the committee-rooms, and see what could be done.

23. Did you do as he told you, go across to the committee-room?—Yes.

24. Where was that committee-room?—Saint Paul's, in Pritchard-street.

25. The committee-room for Mr. Miles, or Mr. Morley?—Mr. Miles.

26. Did you receive at that time any list of voters from Uriah Allsop?—I did.

27. And at the time of giving you the list, did he, or did he not, make any request, or tell you what you were to do?—He gave me the list, and asked me to call upon certain parties, and ask them to vote.

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28. I believe you went out, and found it was too early to call at that time?—That is true.

29. Then, did you return to the committee-room?—I did.

30. What time was that?—I should think it was between seven and eight when I returned.

31. At that time were there many people in the committee-room, or not?—There were several there.

32. Voters, or not, to your knowledge?—I should think several voters were there.

33. Was there anything in the shape of breakfast, or that kind of thing, taking place?—Yes.

34. What was it, eating or drinking, or what?—Eating and drinking.

Mr. *Giffard* objected to the evidence on the ground that the witness did not prove the fact of voters being treated.

35. Mr. *James.*] Give me the name of one voter there?—Pope.

36. Eating and drinking was going on in the room?—Yes.

37. Do you recollect Mr. Allsop mentioning to you the name of a man named John Dowdell?—Yes.

38. Was that after, or before the poll opened?—Before, I think.

39. What did he say to you about that man?—He said, "Go down and poll this man."

40. Did he say anything to you about any money?—Yes.

41. What did he say?—He said, "Give him half-a-sovereign."

42. Where was Mr. Allsop, when he said that?—In the committee-room.

43. Did Mr. Allsop give you any money at that time?—He gave me a sovereign.

44. Having received that sovereign, and having received those orders, did you go to John Dowdell?—I did.

45. Did he live in Cross-street?—He lived in the alley at the back of Milk-street.

46. Did anybody accompany you to Dowdell's?—Mr. Cox.

47. Is that the person spoken of, William Richard Cox?—Yes.

48. When you went to Dowdell's, what took place?—I went and saw him, and he was just down stairs, and had not put on his boots. So, I said, "Now you old fellow, put on your boots." He was one of those slow old customers. He said, "I am in no hurry, master;" I said, "Now, look here, I can do you a little good, you come with me," and I helped the old chap to put on his boots, and took him away, and gave him a half-sovereign, and polled him.

49. Did he say anything to you beyond the half-sovereign, about anything to drink?—Yes, he said he wanted something to drink, and I told him to go to the committee-room.

50. To get something to drink?—Yes.

51. Did you yourself return to the committee-room?—Yes.

52. And did you see Mr. Uriah Allsop?—Yes.

53. What did he say to you?—I was to go to Stapleton-row.

54. Did he say anything about Dowdell?—He said, "Have you polled Dowdell?" "Yes." "What did you give him, half a sovereign?" and I returned the other half sovereign back.

55. That was in the committee-room?—Yes.

56. What was Mr. Allsop doing in the committee-room?—He had got a list before him, and he was reading out certain persons' names and numbers to send away to people that were polling.

57. And was he taking an active part in the committee-room?—Yes.

58. You said you gave him the 10*s.*?—I gave him the 10*s.*

59. What else, if anything, did he request you to do after having come from Dowdell's?—He said something; there was some whispering going on; I did not know what it was; but it ended in this, that Mr. Cox took me across to the St. James's committee room.

60. Did Allsopp tell you for what purpose you were to go to the St. James's committee room?—I am not positive about that; but he sent me across, anyhow.

61. Did Cox go with you?—Yes.

62. When you came to the St. James's committee-room, did Cox introduce you to any one?—He introduced me to Dr. Robertson.

63. Dr. Henry Robertson?—I do not know about the Henry; it was Dr. Robertson.

64. Was there any one else there; was there a Mr. Kearsey?—Mr. Kearsey was in the committee-room at St. Paul's.

65. Where Mr. Allsop was in Pritchard-street?—Yes.

66. Was anything done then?—After Mr. Cox introduced me to Dr. Robertson, I came back to St. Paul's, and then I was introduced to Mr. Kearsey, and he took me across to the St. James's committee-room, and introduced me to Dr. Robertson.

67. Who was it, Cox or Kearsey?—Mr. Cox introduced me first of all to Dr. Robertson, and then I went back again to St. Paul's, and Mr. Kearsey came with me again to Dr. Robertson. Mr. Cox introduced me to Dr. Robertson, but Mr. Kearsey went across with me.

68. Did Dr. Robertson make a request to you to go to any one?—Yes. The first thing, he said to me, "Are you doing anything to-day? Do you want anything to do to-day?"

69. You said what?—I said, "Yes."

70. Did he make any request to you to go and see any one?—Yes; he sent one of the men from there; I do not know who he was, with a slip of paper with two names on it, to Sims-alley.

71. Just look at that (*handing a paper to the witness*); is that the piece of paper?—Yes.

72. From whom did you receive it, do you know?—I do not know.

73. Was it in the committee-room?—It was in the committee-room.

74. Do you know whose writing it was?—No.

75. You had that slip given to you?—Yes. (*It was handed to the Chairman, and the Chairman stated that the names on it were Wood,* 8,336, *and Weaver,* 8,305.

76. Did you go down with this person, a stranger to you, to Sims-alley?—I did.

77. What did he do in the first instance?—He pointed out where they lived.

78. Knowing where they lived, what did you do then?—I went down to the bottom of the alley and left him, returned through the Arcade, and then went down to the alley, and called upon the voters.

79. Calling upon them, what did you do; did you try to poll them or not?—Yes, I tried to poll them.

80. Did

80. Did you speak to them about polling?—I spoke to them about polling.

81. Before you went anywhere, could you at that moment take them to the poll?—I could not.

82. What did you do?—I went back to the committee-room at St. James's, and returned to them again.

83. But when you were in the committee-room at St. James's did you see anyone?—I saw Dr. Robertson and Mr. Barry; I believe it is Mr. Barry.

84. Did he go by the name of Barry?—Yes.

85. Did you say anything to Dr. Robertson when you got back to the committee-room and saw him?—Yes.

86. What did you say?—I told him I had got a lot of voters there that I could poll.

87. What else was said by him or you?—I told him that they wanted 1 *l.* each for their votes.

88. What did he say to that?—He said he thought it was too much; it might be done for 10 *s.*

89. Did you say anything at all to him as to who the men were, how you identified them?—Yes.

90. What did he say?—I told him that I had got 10, or 15, or 20 that were coming up there that would take 1 *l.* each for their votes.

91. Did you mention any name?—Yes.

92. What name did you mention, if any?—Horder was the principal man.

93. Was anything more then said or done about money?—Yes.

94. What was that?—He asked me if 10 *l.* would do for me; Mr. Barry did.

95. Was that in the presence and hearing of Dr. Robertson?—Yes.

96. Did you receive any money?—Yes.

97. From whom?—Mr. Barry.

98. And was it in the presence of Dr. Robertson?—It was in the same room; I cannot say whether it was in his presence.

99. But it was after Mr. Barry had asked whether 10 *l.* would do?—Yes.

100. Did Mr. Barry say anything as to what he would do if you wanted more money?—"Come back and have some more."

101. Having this money, did you go back again to Weaver, one of the men in Sims-alley?—Yes, I did.

102. Did you offer him any money?—I offered him 10 *s.*

103. Would he take it?—No; he wanted more.

104. And you would not give him more?—No.

105. What did you do with that 10 *s.*; did you give it to anyone else?—I went to Wood next.

106. Is that Henry Alexander Wood?—Wood in Sims-alley; I do not know his Christian name.

107. But it is the man who lives in Sims-alley of the name of Wood?—Yes.

108. Did you give him any money?—I gave him 10 *s.*

109. That is one of the names upon that list?—Yes.

110. And having given him the 10 *s.*, did you take him to the poll?—Yes.

111. And polled him for Mr. Miles?—Yes.

112. And he did vote for Mr. Miles?—Yes.

113. After having had the 10 *s.*?—Yes.

114. Was that 10 *s.* part of the money which Mr. Barry had given you in Mr. Miles' committee-room?—It was.

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115. Did you then visit a man of the name of Edward Wood; another Wood?—He came up with his brother.

116. With the first Wood?—With the first Wood.

117. Did he vote?—He did.

118. Did you give him any money?—Gave him 10 *s.*

119. Is he a brother of the first Wood in Sims-alley?—He told me he was.

120. And was the 10 *s.* part of the money you received from Mr. Barry?—It was.

121. Did they make any request to you, those two Woods, for anything else?—They wanted some breakfast.

122. Did you send them anywhere to get it?—Yes.

123. Where to?—To the St. Paul's committee-room.

124. Where was it that you paid the first Wood the money?—One I paid in the house, and the other I paid in the committee-room.

125. One you paid in his house in Sims-alley?—Yes.

126. And the other, the brother, you paid in the committee-room?—Yes.

127. Now, between 11 and 12 o'clock, did you return to the St. James's committee-room?—Yes.

128. The St. James's committee-room was where Dr. Robertson was?—Yes.

129. Outside the committee-room did you meet any one you knew there?—Yes.

130. Who was there?—Horder.

131. Were there any people with Horder?—Yes, 10 or 12 of them.

132. You call them "Horder's gang"?—Yes.

133. The gang were there?—Yes.

134. Will you give me the names of some of those; did you make any memorandum of the names at all?—I did.

135. I see that appropriately, "Miles for ever," is put upon the paper (*handing it to the witness*). Can you give me the names of any of them?—Alfred Davis, E. Peters, John Fox, Charles Redman, Simon Hiscock, Webber, Frederick Headley, and Green.

136. Thomas Benjamin Green?—Yes; and H. A. Wood.

137. That is Henry Alexander Wood, one of the Woods you have spoken of before?—Yes, and Wood his brother.

138. Any other names you recollect?—Francis Kiddle.

139. Were there two Peters, or one?—I think two; James Peters, and somebody else. "Francis Kiddle, Green, H. A. Wood, Wood, Mills, Headley, Webb, Pope, Alfred Horder, Davis, E. Peters, Fox, James Peters, Fox, James Peters, Redman, and Hiscox."

140. Did you yourself see those men whose names you have mentioned?—Yes, I did.

141. As to one and all of them, did you come to any arrangement with them about their votes?—I did.

142. What was it?—To pay them 10 *s.* each.

143. What did you say about Horder; did you give him anything, or promise him anything?—Promised him 1 *l.*

144. That was the Alfred Horder you mentioned to Dr. Robertson?—Yes.

145. With

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145. With the exception of Davis, and one of the Peters, did you give the money to the men before or after they polled?—Before.

146. And you polled them?—Yes.

147. All for Mr. Miles?—Yes.

148. I believe Davis and Peters polled in another parish, and you sent them away; they polled in different parishes?—Yes; some of them polled in St. Paul's; one of them polled in the Temple; Green.

149. Whom did you send away?—Green; he polled in the Temple, I think it is called.

150. Was there any other man sent away?—Some went up to St. Paul's and some to St. James's. I am not exactly positive to the names of the men.

151. Did you go with any of them to the St. Pauls' committee-room, yourself?—Yes.

152. Did they have in your presence, any refreshment there?—Yes.

153. Did you see anything at all paid for that refreshment by them, or anybody there?—No, I did not.

154. Besides the refreshment they had, did you see other people having refreshment there?—Oh, yes.

155. What time of the day was it?—All day long.

156. After polling these men, did you go and see Mr. Barry?—I did.

157. Did you produce anything to him?—I produced that card.

158. This blue card?—Yes.

159. Were these names on it then?—Yes.

160. And what did you say to him?—I told him that I had polled those men.

161. Where was Mr. Barry when you told him this, and shewed him the card?—In the St. James's committee-room.

162. Did he give you any money?—Five pounds.

163. Was it stated for what reason he gave you that money?—Yes; 1 *l.* a vote I was to have for the men.

164. When you say that you were to have it, tell me if you please, what took place between you and Mr. Barry about that payment; was there any arrangement made?—I took him, and I said, "I polled 15 men, 15 *l.*; I have had 10 *l.*; there is another 5 *l.*"

165. Had he made any arrangement with you before you asked for the money; Yes, I told him these men would not come for less than 1 *l.* a piece.

166. You had given them 10 *s.*; did you tell him that you had given them 1 *l.*, when you had only given them 10 *s.*?—No, because I had to treat the men; I took them up, and he said, "hold your men, and keep them."

167. And you received the 5 *l.* in the committee-room, from Mr. Barry?—Yes.

168. I believe you had spoken to other voters besides these men?—Yes.

169. Did you say anything to Dr. Robertson or Mr. Barry, as to further votes?—Yes, I told them there were 20 men waiting outside, that I could poll.

170. Did you state that to one of them, or both?—In the presence of both of them.

171. To whom did you particularly address yourself?—Mr. Barry.

172. And was Dr. Robertson present, near enough to hear?—Yes, he was in the room.

173. Was he near enough to hear it?—I believe he was.

174. What did you say to Mr. Barry?—I told him that I had 20 or 30 men that I could poll waiting outside, and he looked at the clock, and he said, "I think it is almost too late to poll them, and besides we are so much ahead now, I do not think we shall want it."

175. (By the *Committee.*) About what time are you speaking of now?—I should think about half past-three; no, half past-two, I should think.

176. Mr. *James.*] Did you say anything in relation to those men as to what money would be required, if any?—Yes.

177. What did you say?—They wanted 1 *l.* a piece.

178. Does this man Alfred Horder, keep a beer-shop?—Yes, he does.

179. After the polling, did you hear Dr. Robertson order anything at Horder's house?—I saw him come in and give him 5 *s.* to spend.

180. Wednesday was the 29th; now on the Friday evening of the election, did you at any time go to St. Paul's committee-room?—I did.

181. What hour in the evening was that?—I think about 7 to 8.

182. Did Horder go with you?—He did.

183. Whom did you see there?—Mr. Allsop.

184. That is Uriah Allsop?—Yes.

185. Did Horder make any request to Allsop for payment of anything?—He gave me his bill, and I produced it to Mr. Allsop.

186. Did you leave it with him?—I presented it to him, and he said that everything should be paid within 14 days after the election.

187. On the day of the election had you given any money to Cox?—Yes.

188. That is William Richard Cox?—Yes.

189. What money had you given him?—Gave him 2 *l.*; 1 *l.* and 1 *l.*

190. For what purpose did you give him that money?—To poll some voters.

191. From what source did you obtain that money?—From Mr. Barry.

192. Was that part of the 15 *l.* then?—It was.

193. On this Friday evening was Cox at the committee-room with you?—He was.

194. Did you make any request at all about those 2 *l.*, or ask yourself for any money?—I did.

195. To whom did you make the request, or from whom did you ask the money?—I asked Mr. Allsop.

196. What was said?—When the accounts would be paid——

197. What was said?—I produced two bills to Mr. Allsop, one for George Russell who had done something on the election, I think at the beginning, and Mr. Horder; I did not make any bill myself.

198. Did you see Mr. Allsop pay any money to any one whilst you were there?—I did not.

199. Did you see a man of the name of Postance there?—I did not; I did not know him if I saw him.

Cross-examined by Mr. *Giffard.*

200. I did not quite catch whether you said that the conversation about its being too late to poll, and their being so much ahead, was at half-past two or half-past three?—I think it was half-past two.

201. Who was it said that?—Mr. Barry.

202. I

202. I think you said, to the best of your belief, that Dr. Robertson could hear him?—Yes, I believe so.

203. Will you swear it?—Oh, I cannot swear that.

204. Did you know what the Conservative candidate was ahead at that time?—Something over 200.

205. Two hundred and thirty, or something of that sort?—Something over 200.

206. He said that it was too late to poll, and that it did not matter, as they were already so far ahead?—I believe so.

207. Did you know at all yourself at that time how many electors were unpolled?—No, I did not know how many were unpolled.

208. You were managing this election, and in an active way; did you not inquire how many electors were unpolled at that time?—No.

209. You did not take the trouble to inquire? No.

210. I think you told my learned friend that you are a commercial traveller; for whom do you travel?—Not anybody now.

211. When did you last travel for anybody?—About two months ago.

212. Give me the names of your employers?—I was travelling then in partnership with a man of the name of Shiel, for Robert Jackson, of Great Tower-street, London.

213. How long had you travelled for him?—About three months.

214. Was that the last employment you had of any kind?—Yes.

215. When next before that had you been employed as a commercial traveller?—With Uzielli and Gerring, Fenchurch-street.

216. For how long were you in their employment?—About nine months.

217. What do they deal in?—Tea.

218. When next before that were you travelling for anyone?—I was travelling for Allan Murray before then.

219. How long before?—I was travelling for them perhaps about three months before.

220. How long before?—I cannot tell; about three months I suppose.

221. Where do they live?—7, Bedford-square, near Fenchurch-street.

222. Before that with whom were you?—Morris & Company, 64, Nicholas-street, Bristol.

223. How long before was that?—About a week.

224. Were you regularly in these people's employment?—I had 200*l.* a year and 17*s.* a day, and found horse and trap, from Allan Murray; I had 200*l.* a year from Uzzielli and Gerring, and 1*l.* a day.

225. How came you to leave these different employments?—Because I got better berths.

226. Have you got a better berth?—No, I got better berths from the time I had been travelling. When I commenced travelling I travelled for a small house in the city of Bristol, and I got up from that to Morris & Company, and then I got to London houses, and so kept bettering myself.

227. As I understand you you are out of employment altogether?—Exactly; I am now.

228. I want to know how you came to leave your employment?—I left because I made a few bad debts for the last house; trade was bad and people let us in. The ground did not pay.

229. What was the amount of bad debts you made for the last house?—About 500*l.*

230. Were you discharged on that account?—Yes; I was not discharged, but the ground did not pay; they said that it cost more than the profits.

231. I understand you that there was no misunderstanding between you and your employers, but they said they must lose you because it was not profitable to keep you?—Yes.

232. Sure of that?—Yes.

233. Did they give you a character?—We do not ask for characters; they would do so.

234. Did they?—If I go to another house I refer them to the last house. We do not give characters.

235. I want to know, on this particular occasion, did they give you a character or not?—I cannot answer the question for this very reason, if they do not give a character I can refer to them, and they can give me a character as far as it stands. Their accounts were right to a penny, but I made some bad debts.

236. Did they say that on paper?—They would.

237. Did they?—I did not ask them.

238. Have you applied for employment since?—Yes.

239. Have you got it?—No.

240. I suppose when you apply for employment it is not uncommon to refer to the last place?—That is the idea.

241. Did you refer persons you applied to to the last place?—Yes.

242. And they did not employ you?—We have not completed it.

243. What do you mean by that?—I do not know whether I am supposed to answer all those questions.

244. *Chairman.*] Yes?—The last house I applied to was a house in the tea line here, and I referred them to the Guarantee Society, and they said, "We do not like the Guarantee Society." They said, "We would rather have private; have you not a friend that would guarantee you 500*l.*" Some prefer the Guarantee Society. He would have nothing but the private guarantee. I referred him to a friend of mine as guarantee for me; it would not suit him.

245. Mr. *Giffard.*] What was the friend's name?—Cox.

246. The gentleman you mentioned once or twice here?—Yes.

247. Have you any further information to give. I do not want to interrupt you; this seems a long way from my question; I asked whether you referred them to your last employers?—I did.

248. When was that?—About three months ago, I suppose.

249. Have you been out of a place ever since?—Yes.

250. How long have you known Cox?—I should think about 12 months.

251. What is Cox?—A leather merchant and commission agent.

252. You say that you offered Cox's guarantee; I must ask you what is Cox's pecuniary position?—That of course I cannot tell.

253. Not know the position of the man you offered as a guarantee?—How can I tell you what his position is?

254. Has he been a bankrupt?—I do not know.

255. Do you mean to swear that?—I do not know.

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256. I suppose you got Cox's consent before you offered him?—I offered him with the Guarantee Society.

257. Had you got Cox's consent before you offered him?—Exactly so.

258. Cox had consented to be your guarantee for 500 *l.*, had he?—No, 250 *l.*; I offered it with the Guarantee Society.

259. They did not like the Guarantee Society, and your friend Cox would do for 250 *l.* as well as the Guarantee Society?—With the Guarantee Society I thought it would be good enough.

260. You had asked Cox's consent?—Yes.

261. When did you ask Cox's consent?—At the time I have just mentioned.

262. Do you mean about three months ago?—About three months ago.

263. And Cox had consented, of course?—Yes.

264. Was Cox to have any guarantee?—No.

265. Then did Cox do it out of pure friendship?—Yes.

266. I suppose that Cox is a great friend of yours?—No, not a particular friend of mine.

267. Although he would consent to be your guarantee for 250 *l.*?—Because he knew it was all right with the Guarantee Society; there was no risk about it, not a bit.

268. When did you first meet Cox?—About 12 months ago.

269. Where?—In Bristol.

270. Are you a Bristol man?—Yes; at least I have been living there these last five or six years; travelling about different places.

271. Is this the first occasion upon which you have been engaged in bribing people?—It is.

272. You never have taken to bribery before?—No.

273. Have you had anything to do with elections before?—No, never.

274. This was your first experience?—Yes.

275. This was your first experience of acting as an election agent, was it?—That is true.

Re-examined by Mr. *James.*

276. I understand you that you left your last employment because there were bad debts during the bad time of year?—That is true.

277. And I suppose you do not take a certificate of character from your employers when you leave their employment?—No.

278. But you refer persons who are about to employ you to your late employers?—Yes.

279. Has there ever been any suggestion made by your late employers that you were guilty of dishonesty?—None.

280. It comes from those gentlemen who instruct my learned friend to you for the first time?—Yes.

281. (By the *Committee.*) You said that party paid you 15 *l.*; you polled fifteen men at the rate of 1 *l.* a head, and the number of names you give corresponds with the number you stated; and then you say, after you gave Cox 2 *l.* for polling some other men, and the counsel asked you where you got that 2 *l.*, and you say it was part of the 15 *l.*; that is your statement?—Yes; I only gave them 10 *s.* myself.

282. Mr. *James.*] You kept the balance right?—I would spend it in treating them.

[The Witness withdrew.

Mr. William Richard Cox was called in; and, having been sworn, was Examined by Mr. *James,* as follows:—

Mr. *W. R. Cox.*

283. Are you a voter for the City of Bristol?—Yes.

284. On the night before the polling at the election, did you see a Mr. Uriah Allsop?—Yes; I did.

285. Where was he when you saw him?—At his own house.

286. Did he say anything to you on that occasion at all about money?—Well; I can hardly answer your question.

287. Just try; what did he say to you, if anything, about money?—Well; I understood it that anything I disbursed would be repaid me; that is all I know about it.

288. From whom did you understand that?—Well; there were two or three there, and it was done in such a manner that I can hardly say——

289. Who spoke to you?—Well; he spoke to me, anyhow.

290. Mr. Allsop did?—Yes.

291. Try and recollect what was said. In consequence of what was said to you, did you go to his house the next morning?—Yes.

292. Who had asked you to go there, anybody?—Well, of course, we had been old friends, and he invited me to go there.

293. Was anything said about Mr. Woods, was his name mentioned at all?—Well; he was in town on a visit to me.

294. But did Mr. Allsop say anything to you about Mr. Woods coming with you?—Yes.

295. Who said it?—Well; I was to bring him; there were two or three in the room. My own idea was that I was to come the next morning, and bring Mr. Woods with me.

296. Did you and Woods get up early the next morning?—Four o'clock.

297. When you first got up and went out, where did you go to?—The first thing I did, I called on a voter in Stapleton-row, that I knew.

298. Who was it?—His name was Rogers.

299. After going there, where did you go to then?—No. 8, Alma-street, Mr. Rodders.

300. Where next?—The "Alma Tavern."

301. Who did you see there?—Nobody at all there. I saw Rogers, he was up; the other two people were not up.

302. Where did you go to then?—To Allsop's.

303. Did you go anywhere with Allsop?—Went round to the committee-room, St. Paul's.

304. Is St. Paul's a district or a parish?—I can hardly answer the question; St. Paul's is a parish, I suppose.

305. Is that committee-room in Pritchard-street?—Yes; it was.

306. I believe from that committee-room you went out and saw some voters, but they were not up; then did you come back to the committee-room?—I was at the committee-room, backwards and forwards, all the morning.

307. Did you have any breakfast there?—Yes.

308. Did you pay anything for it?—No.

309. Were there to your knowledge, persons who

who were voters, breakfasting there too?—There were a great many there that I knew.

310. There were men there, at any rate?—Several.

311. Do you know whether any of those men were voters or not?—There were some.

312. Can you give the names of any of them?—I can only give the name of Mr. Horder and Mr. Pope.

313. You saw them breakfasting?—Yes, I took them into the room.

314. Did you know of their paying anything for their breakfast?—No, certainly not.

315. Was breakfast laid out on the table?—It was laid out in the house in rather a rough manner; I suppose it was the invitation of the person who kept the house.

316. Who was it kept the house?—Mr. Dredge, that was the name on the door, anyhow.

317. Did you see persons breakfasting there, some of whose names you have given?—Yes.

318. That was at the committee-room?—Yes.

319. Did you hear Mr. Allsop say anything to Mr. Wood about a man of the name of Dowdell?—I went with Mr. Woods, and fetched him to vote.

320. Did you or not, hear Mr. Allsop say anything at all about Dowdell before you went with Woods?—I cannot remember.

321. Do try?—Not before, certainly; the conversation, if any, must have been with Mr. Woods; I know nothing about it.

322. Did you see Woods give any money to Dowdell?—No, I did not.

323. Upon your oath?—I did not.

324. Did you see Dowdell give any money back to Woods, or not?—I saw Mr. Woods give Mr. Allsopp a half-sovereign.

325. When was that?—Well, after Dowdell had voted.

326. You have come from Bristol lately; Mr. Uriah Allsop is in Bristol, I believe, is he not, he is a well known person?—I saw him yesterday; not yesterday, the day before.

327. Where was it you saw this money pass, the 10 *s.* from Woods to Allsop; where was it that Mr. Allsop received it?—I cannot say what Mr. Allsop received it for; it was in the committee-room I saw Mr. Woods give him half a sovereign, what it was for I cannot say.

328. When did you see Mr. Allsop, yesterday, or the day before?—The day before.

329. Did he offer you any money then?—No.

330. Nothing was said about money, and your not coming here? Just think?—Well, can I decline to answer the question?

Chairman.] You must answer the question.

331. Mr. *James.*] Did Allsopp offer you any money not to come here?—There was a promise made; whatever it was I cannot say.

332. It was only yesterday or the day before; it was a promise, tell us what the promise was?—Well, the promise was, at least the idea was, of Mr. Woods leaving Bristol.

333. Never mind the idea, surely you can recollect the words; what was it that Mr. Allsop said to you about money, or anybody receiving money for not coming here?—Well, he would rather lose 200 *l.* or 500 *l.* than either of us should come up; that is all I can recollect

334. Had you known before this polling day a man of the name of Alfred Horder?—Yes.

335. Had anything passed between you and him about some voters?—Yes.

336. What was it that passed between you and Horder about the voters, some time before?—Well, he told me there would be some that would be open to influence; it was about a fortnight before the election, and I told him then I should see him again.

337. Did you mention that fact to Mr. Uriah Allsop?—I cannot say that.

338. Do just think; at any time?—I do not think I mentioned it before the morning of the election.

339. Well, you did then mention it to him on the morning of the election?—Yes.

340. Did you mention it also to a person of the name of Kearsey?—No.

341. Did you mention it to Allsop in Kearsey's presence?—I might have done so.

342. Did Allsop give you any directions as to Woods going to see Dr. Robertson?—All he said was, "Horder is in St. James's; we have nothing to do with Davis; go with Mr. Woods and Horder (who is customer of his), across to St. James's, and introduce him to Dr. Robertson."

343. Did you go across at that time, and with Woods to Dr. Robertson?—I did.

344. Did you introduce him?—I did.

345. Did you return with Horder back again to St. Paul's committee-room?—Yes.

346. And was Kearsey there?—He was there when we came back.

347. Did Kearsey go out anywhere with Woods then?—He went out with Mr. Woods.

348. You did not know where, I suppose?—No.

349. In the St. Paul's Committee-room, how many rooms were occupied by the committee?—That I cannot tell you.

350. Please tell me how many you saw the committee in; more than one?—I suppose about three; there were three on the ground floor.

351. Were there two large rooms and one small one?—Yes.

352. Did you see any one in the small room at all. Did you see Henry Brittan there?—No.

353. Did you see him going in there, or coming out?—No.

354. Did you see Henry Brittan in the committee-room at all?—No.

355. Was this door of the small room kept shut?—Sometimes open, and sometimes shut; the same way as a door otherwise would be.

356. Did you see any person taken into that room at all by any one?—I might have done so.

357. But did you?—I do not remember.

358. Did you see Mr. Allsop or Mr. Maggs take any person up to that door, and take them in?—I do not remember. That is a thing I did not take any notice of.

359. Did Mr. Allsop make any remarks to you about the purposes for which that room was to be used?—I cannot say now, indeed; he might have done so.

360. What was it that he might have said?—I think there was an observation made that it was a private room, a quiet room, or something of that kind. I do not remember the exact observation made now.

361. When was that?—When we went to see over the place.

362. When was it that you went to see over the

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the place?—I think it was the morning of the election, or the night before.

363. In the course of that observation, was the word "nobbling" used?—I think it was.

364. As you think that the word "nobbling" was used, please think a little more, and tell these gentlemen what was said about "nobbling"?—I do not think any more observation passed. It was only in the course of conversation.

365. It is in the course of conversation that I am asking you; will you tell me in connection with what words it was used?—I have not a dictionary here; perhaps I might be able to tell you if I had it.

366. I do not want the dictionary?—I suppose it meant a private room, a room wherein things could be carried on which——

367. I think "nobbling" does not always convey the idea of a private room; tell me what was said about that word?—I cannot answer for what sense Mr. Allsop used it in.

368. I do not want to know that, but the words he used?—Well, there was some one else with me when the words were used; but the words certainly were, "This is a nobbling room."

369. Let me now ask you, during the course of the day, was anyone stationed at that door at all?—There was some one stationed inside, anyhow.

370. We are getting on better now; can you tell me who that was?—What part of the day do you mean?

371. Begin at the morning, and go down to five o'clock; begin by degrees?—Must I answer?

372. *Chairman.*] Yes?—A Mr. Garside, of Liverpool, I believe.

373. Mr. *James.*] Who else?—I cannot tell you. I was in and out all day long.

374. You asked me what part of the day I meant; I suppose that there were other persons in them?—Well, I was in and out all day long; there might have been only one. I could not say.

375. Did you see Mr. Henry Brittan in that room?—No, I did not. I do not know the gentleman if I were to see him.

376. You saw no one else there but this gentleman from Liverpool?—Well, I cannot say that he was from Liverpool; that was what I heard.

377. Is there any one else that you saw during the whole of the day?—I believe not.

378. Did you see voters going into that room?—Yes.

379. Can you give me the names of any voters whom you saw going in?—No, I cannot.

380. In the course of the day, did you receive any sum of money at all from Woods?—In the course of the day I did receive some from him.

381. How much?—Two pounds.

382. What for?—On account of expenses, I suppose.

383. But what expenses?—Treating.

384. Treating whom?—Several people that we met. Perhaps we might have had a bottle of champagne ourselves. I might have paid for it.

385. Any person that you treated, were they voters?—I believe I spent something like *5s.* at Horder's house on account of people that were voters.

386. Did you give any money away except in treating?—No, I put it in my pocket.

387. Give me the names of the voters you treated?—Really you are taxing me rather too hard; I cannot remember now; I am unprepared for this inquiry altogether.

388. Just think; cannot you give me the name of a person, if anybody, that you treated?—Well, I treated a man named Pope, that was a voter; a man named Headley, and a man named Horder; but I should have done it any other day the same.

389. If you had the *2l.*?—Just so.

390. Two days after the election, the Friday evening, did you go to the committee-room?—I did.

391. What committee-room was that?—The same as before.

392. The St. Paul's?—Yes.

393. Did you see Mr. Uriah Allsop there?—Yes.

394. Whilst you were there, did a man of the name of Postance come in?—Yes, he did.

395. Do you know whether that man's name is John Postance?—It is John, I believe.

396. Did you see Mr. Allsop pay him any money?—I saw Mr. Allsop give him a half-sovereign two days after the election, Friday.

397. Was anything said by Mr. Allsop before that money was paid, as to what it was paid for?—There was something said about a day's work.

398. What else?—That he was to have so much a day's work; I cannot say what else; I saw Mr. Allsop give him a half-sovereign.

399. Was anything else said about the day's work?—Not that I remember,

400. Do think?—Not that I remember.

401. I ask you, before I put this paper into your hand, was the word "voting" used?—I believe not.

402. See if that is your signature; tell me whether you signed that statement (*putting a paper into the hands of the witness*)?—Yes.

403. Now just read the three last lines there?—"A day's work for voting." I believe that was the word that was used.

404. May I ask you whether you recollected the word "voting," when I asked you just now whether it was used or not?—I did not indeed.

405. Did you see at that time, or at any time in the committee-room on the Friday evening, a bill produced to Allsop by Woods from Alfred Horder?—Yes, I did.

406. Was there also a bill produced from a man of the name of George Russell?—Yes.

407. Was a request made by Woods to Allsop to pay those bills?—Yes.

408. What reply did Mr. Allsop give?—As far as I remember, he said he believed he was working with gentlemen; that no bills would be produced. I suppose he meant that what they spent out of their pockets——

409. Was anything said about 14 days?—Yes; after 14 days the bills would be paid.

410. Before the day of the election, or on the day of election, did you promise any men any money if they would vote for Mr. Miles?—I promised several.

411. Will you give me the names please?—I cannot remember now.

412. Take your statement then to assist you (*handing it to the witness*). Look towards the bottom of the page?—Yes, that is one name; I promised Russell 2 *l.* for Mr. Cobbin.

413. Is that Arthur Lewis Cobbin?—He lived at Highbury.

414. And

414. And you promised others. Cannot you give me the name of any other?—No; I cannot remember them now.

415. Did you make out any bill at all to take to Mr. Allsop?—Yes.

416. What became of that bill?—He got it, I suppose.

417. Did you at the time when you gave that bill to Mr. Allsop make any request to him to pay you any money?—Yes.

418. How much?—I cannot tell you.

419. How much did you ask Mr. Allsop for; about how much?—It may be 4 *l.* or 5 *l.*

420. I think you want your statement again?—No, I do not want it. If you like to look it over——

421. No; I want you to look towards the bottom; you will find it there?—About 5 *l.*

422. You left that bill with Mr. Allsop?—I did.

423. Did he give you any money?—No.

424. Did he say as to when you could have it?—After 14 days.

425. What was it that you wanted that 5 *l.* for. What had you done with the 5 *l.* that made you ask Mr. Allsop for it?—Well, I had spent two or three sums in treating.

426. Then there was the 2 *l.* to Russell for Cobbin?—Yes.

427. How much did you spend in treating?—I may have spent a sovereign or two. I do not know. I know what I took out in the morning.

428. How much?—About 2 *l.* 10 *s.*

429. Did you bring anything home?—No.

430. There was 2 *l.* you told us for Woods?—Yes.

431. And the 2 *l.* that you promised Russell?—Yes.

432. And all the satisfaction you got was a promise to pay after 14 days?—Yes.

433. Have you applied for that bill again?—No.

434. Why not?—I called once or twice, but I could never see Mr. Allsop again.

435. He has got that paper, as far as you know?—Yes.

Cross-examined by Mr. *Giffard.*

436. I observe that my learned friend has got some paper from which he is examining you. When did you first go to the gentleman to whom you gave your evidence?—I did not go to him at all.

437. When did he come to you then?—A few days ago.

438. Just give us the date?—There is no date on the paper, and I really cannot tell you.

439. Do you really mean to tell me that you do not know when you signed that paper?—No, I do not; there is no date to that.

440. Although it may be only a few days ago?—It may be a week ago.

441. Will you swear that it was not a fortnight?—No, I will not.

442. When did you first see the lawyer for the petitioners?—He called on me.

443. When did you first see him?—I cannot say; it may be a week or 10 days ago. I suppose it is about 10 days ago.

444. What is his name?—Mr. Brittan.

445. Did you dictate what is written there?—I might have done part.

446. You might, I know, but did you?—I dictated nothing. He asked me questions, and I suppose this is filled up from the questions.

447. Mr. Brittan put the questions; then did you give simply yes, or no, or did you add anything of yourself?—I added nothing, as far as I know.

448. I should like to see that paper. (*The paper was handed to* Mr. *Giffard*).

449. Then is your employment that of a commission agent?—Yes.

450. How long have you been a commission agent?—Four or five years.

451. What were you before you were a commission agent?—A clerk.

452. Where?—At the cotton works at Bristol.

453. How long were you there?—Six years.

454. How came you to leave?—On my own account.

455. You are quite sure of that?—Quite sure.

456. Have you been in business for yourself; have you been unfortunate in business?—Yes.

457. Have you been bankrupt?—No.

458. Have you compounded with your creditors, or not?—No.

459. What have you done, that you call being unfortunate in business?—Well, there are some of them waiting for their money, and they will get it too, until some estates are wound up. I suppose it will all be finished in a week or two.

460. How long is it that you have been unfortunate?—About three months.

461. How long have you known Woods?—Two years, I believe, or thereabouts. I cannot say to a month or two.

462. About three months ago, did you not offer to be Wood's guarantee, or did you consent to be Wood's guarantee?—Yes; more than that ago.

463. How long ago?—Well, I really cannot recollect.

464. About?—I cannot say about even. I suppose it was five or six months ago.

465. Are you quite sure of that?—I should think it was. I cannot say more.

466. You will not undertake to say that it was not about three months, just at the time when you were unfortunate?—I know it was not three months.

467. You are positive?—Positive; because then I had no idea that anything was hanging over myself.

468. I think I caught you to say originally, that Mr. Woods was on a visit to you?—He was at the time of the election.

469. How long had he been on a visit to you?—He had been living with me before the election, I suppose, for a year, or a year and a half.

470. Living with you?—Yes; in Portland-square.

471. As a visitor, or in the same house?—Living in the same house; the house is mine; he lived with me.

472. Was he lodging with you?—I had left Portland-square, and was in lodgings myself.

473. How long had he been on a visit to you?—Three or four days. He came down from London just before the election.

474. Did you send for him?—No.

475. Do you happen to know how he came to come down from London just three or four days before the election?—I presume his business in London was finished.

476. You are a friend of his; what was his business in London?—Well; he travels in the tea trade.

477. Do you mean to say that he was travelling

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ling in the tea trade for a house in London, within three or four days before the election?—I believe so.

478. Now take care; do you mean to say you do not know perfectly well that he was out of employment altogether, and that you offered to be his surety as long as five or six months ago?—Six months ago I offered to be his surety.

479. And that he has not been in any employment since. Do you mean to say that you do not know perfectly well that that man Woods has not been in any employment since the time when you offered to be his surety?—I cannot say whether he has or has not.

480. Do you not believe that he has not?—I believe he has not; but at the same time he has plenty of stuff of his own to sell.

481. Did you not tell me that you offered to be his surety five months ago, and that you believed within three or four days of the election he had been in business in the tea trade in London, and came down to Bristol because his business in London was finished; did you state that?—Yes.

482. Is it true?—I know he was away from town till within a few days of the election; I do not confine myself to three or four; I cannot. I know that a few days before the election came on, he came to Bristol.

483. Did you receive any money in respect of this statement; I mean expenses, of course?—No; I received my fare to London; my fare has been paid to London, that is all.

484. When did you receive your fare?—Yesterday.

485. Now, just consider; you gave this statement: we have got it now, I think, about 10 days ago?—Yes.

486. Do you mean to say that you have received no money except your fare to London, since that time?—Nothing at all.

487. And a promise of anything?—No promise of anything.

488. How came you to make the statement?—Because I saw a statement made in the paper that any witness withholding information, would be liable to three months' imprisonment; and when Mr. Brittan called on me, I thought the best way would be to tell him what actually occurred.

489. You had seen something in the papers about any witness withholding information, being liable to imprisonment?—I saw a poster on the wall.

490. Not in a newspaper?—I might have seen it in a newspaper.

491. Did you?—I saw a notice on the wall.

492. Did you see it in a newspaper, or not?—I believe I saw it posted on a Saturday night.

493. Did you see it in a newspaper, or not?—I believe I did not.

494. Now come to the poster; what was on the poster?—A notice from the Conservative Association that people that had parties calling on them were to mind what they were about, or something of that kind; and then directly afterwards there was a notice posted under from the Liberal Association that people who had been guilty of any practice of this kind, by giving their evidence would condone the offence.

495. I think you first said that any witness withholding information would be be liable to three months' imprisonment?—I had heard so.

496. Was it on the poster that any witness withholding information would be liable to three months' imprisonment. Upon your oath, did you see it upon any poster in the City of Bristol?—Will you be kind enough to put the question again.

497. Did you see on any poster in the City of Bristol the statement that any witness withholdinformation would be liable to three months' imprisonment?—No; but I saw it on the printed slips distributed among the Liberal party on the day of election.

498. Just recollect yourself, please; I was asking you how you came to give this statement to Mr. Brittan, and your answer to me was that you saw in the paper (by which I understood you to mean the newspaper) the statement that any witness withholding information would be liable to three months' imprisonment, and you gave that as your reason for making this statement to Mr. Brittan?—Yes.

499. Is that true?—Quite true.

500. And that statement you had seen distributed by the Liberal party on the day of election?—On small slips.

501. Then that was not the poster you mentioned?—No, but I believe the poster embodied the fact. I have not seen that since.

502. And because you had seen it on the day of the election distributed in those small slips of paper, you told Mr. Brittan this story; is that true now?—I did not tell him the story till somebody called on me.

503. But when he did call on you you told him this; who is the "somebody;" we had better get that first?—I cannot say who it was that I talked to about it at first. I may have talked to 20 people about it.

504. What is his name?—I think I spoke to Mr. Woods about it first, or my brother-in-law.

505. Who is your brother-in-law?—Mr. Brown, spirit merchant, in Stapleton-row.

506. You said you had not said anything to anybody, and somebody called on you; who was that "somebody"?—Mr. Brittan.

507. Was he the first person that called upon you with reference to taking your statement?—He called with another gentleman.

508. Who is the other gentleman?—Mr. Peryn.

509. Who is Mr. Peryn?—A solicitor.

510. Did you know at that time that Mr. Brittan was interested for Mr. Morley?—Of course.

511. And you were asked what you knew, and did you at once tell him that you had been guilty of bribery yourself?—I had nothing to do with bribery; I paid no one any money.

512. Then your statement to the Committee is, that you were not a party to any bribery. Do you mean to swear that? Do not look round there but just answer my question?—Well, I might have been.

513. I know you might have been, but were you?—I suppose I was.

514. How came you to say that you were not?—Well, I paid no money on the day of election.

515. And having voted as you say, under the circumstances, for Mr. Miles, when Mr. Brittan called upon you, you told him this story?—Yes.

516. Had anybody else given you any promise of money?—Nobody at all.

517. Then it was your pure voluntary act, except so far as you were influenced by that little slip

slip that the Liberal party distributed on the day of election?—That was all.

518. Was this paper read over to you before you signed it?—I believe so.

519. Is this the only statement that you made, or did you make more than one?—The only one.

Re-examined by Mr. Serjeant *Ballantine.*

520. You say you believe that this statement was read over to you?—I believe so.

521. Is it a true statement?—Yes.

522. Have you seen Dr. Robertson up here?—No.

523. Or. Mr. Allsopp?—No.

524. (By the *Committee.*) In answer to Mr. James you said that Woods was taken over to St. James's committee-room, to be introduced to Dr. Robertson, and that Horder returned from there to St. Paul's committee-room with you. You mean to say, that Horder came back to you; that he went to St. James's committee-room also?—Yes.

[The Witness withdrew.

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Mr. Alfred Horder was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:—

525. Do you live at Marlborough-street, in Bristol?—Yes.

526. And are a publican?—Yes; publican and grocer.

527. And a voter upon the register?—Yes.

528. Do you know Dr. Robertson?—Yes.

529. Did you see much of Dr. Bobertson before the election?—He called several times on me.

530. For what purpose?—For me to give my vote.

531. Asking you for your vote, for whom?—For Mr. Miles.

532. Did you promise it him?—No.

533. How often should you say that Dr. Robertson called upon you?—He might have called half-a-dozen times.

534. And asked you to vote for Mr. Miles aud the Conservative principles?—Yes.

535. But you hesitated?—I did not promise.

536. Had you voted before?—No.

537. After you had seen Dr. Robertson, did a person of the name of Chandler speak to you?—Yes, he called upon me the night before the election.

538. Had he any conversation with you about your vote?—Yes.

539. What did he say to you?—He said 10*s.* was the price of a vote.

540. My learned friend complains of the abruptness of that communication; I dare say it did shock him; tell us all that took place; how did Chandler begin?—Well, he is a man of very few words; does not say much.

541. Quite right; that is the safest thing; but do not you follow his example, but tell us all; did he come to your house?—Yes.

542. What did he say to you?—He said he could not give more than 10*s.*

543. He did not begin that way, did he?—Some friend introduced him.

544. Who was that?—Some friend that brought him.

545. And then he said that 10*s.* was the price of a vote?—Yes.

546. What did you say to that?—I told him it was not enough.

547. You were a man of few words upon that occasion?—Yes.

548. What did he say then to you?—He said that he could not give any more.

549. Do you remember the day of the election?—Yes.

550. Did you wander up to the St. James's committee-room?—Yes, I was there.

551. Did you see Dr. Robertson there?—Yes.

552. What was he doing?—Very busy there.

553. Doing what; apparently, I mean?—Really I was there three or four times.

554. What did he appear to be doing?—I could not say.

555. Was he seated or not?—No, he was not seated; he was in conversation with a great many there.

556. People whom you knew to be voters?—Yes.

557. Did you speak to Dr. Robertson at all?—Yes.

558. What did you say to him?—There were several voters there waiting at my house, and they wanted something to drink.

559. You told him that there were several voters at your house?—Yes.

560. Had you come up by the desire of these people?—Yes.

561. What did Dr. Robertson say?—He ordered that they were to have something to drink.

562. What did he say?—That they were to have a pot each.

563. Pot or quart?—It is the same thing.

564. Pot is the more familiar term?—Yes.

565. About how many were there of them?—There were something near 50 pots served; I could not say exactly.

566. Upon the orders of Dr. Robertson?—Yes.

567. Have you ever been paid for them?—No.

568. Have you sent in your bill?—I sent in my bill; I spoke to Dr. Robertson about it.

569. What was your bill?—Somewhere about 2*l.* 10*s.*; I could not say that exactly.

570. Did you present your bill to Dr. Robertson?—I did not; I presented it to Mr. Allsop.

571. How came you to do that?—Some voters voted in St. Paul's and some in St. James's.

572. You presented your bill to Mr. Allsop, and did he refer you to Dr. Robertson?—Yes.

573. You went to Dr. Robertson; what did he say?—That it should be paid.

574. Did he say when?—No.

755. Did you ask him when?—No.

576. Did Mr. Allsop tell you when?—No.

577. And you have not been paid yet?—No.

578. Were you promised anything for your vote?—I was promised a sovereign for my vote on the morning of the election.

579. By whom?—Mr. Woods promised me a sovereign.

580. Have you got it yet?—No.

581. Have you applied for it?—I applied for it several times.

Mr. *A. Horder.*

Mr. *A. Horder.*

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582. To whom?—To Mr. Woods; and he said he had not had the money.

583. Did you vote?—I did.

584. For Mr. Miles?—Yes.

585. You kept faith with them?—Yes.

Cross-examined by Mr. *Giffard.*

586. What time did you vote?—About 2 o'clock, I should think.

587. What time did Woods apply to you to vote?—Well, he called at my house at 7 o'clock in the morning.

588. Did you see him?—I did.

589. Did you not see him afterwards that day before you voted?—I saw him all day.

590. Did you ask him for money during the day?—No, I did not.

591. Why not?—He promised the money, and I thought he would have paid it.

592. You say, I think, that you never voted before?—No.

593. Have you any political principles of your own, or are you indifferent to politics?—The first time I voted, I never promised any one either side.

594. Mr. Serjeant *Ballantine.*] Are you bound for ever to the Conservatives?—No; I like to use my own mind on that.

595. Mr. *Giffard.*] I want to know whether you ever have used your own mind on that; what are your politics, a Liberal or a Conservative?—I could not answer that exactly, it depends on the men put up.

596. I may take it that your principle is to go by what you could make by your votes?—No.

597. If you had not been bribed, as you say you were, which way would you have voted?—I had not promised to nobody, I had not made up my mind which way to vote.

598. I ask which way you would have voted?—I might have voted for Miles or Morley.

599. You cannot say now, which way you would have voted?—No.

600. You might have voted for Mr. Miles, even without this promise of 1 *l.*—Yes.

601. Do you keep an ale house?—Yes.

602. A spirit license is it?—No.

603. How long have you kept an ale house?—About two years.

604. And do I understand that the 2 *l.* 10 *s.*, or whatever the sum was, represented beer supplied to different voters, did you say?—Yes, it was supplied to voters that was in the house.

605. You knew them as voters, did you?—Yes.

606. I suppose you have got some account of the beer that was drunk in your house that day, have you?—Yes.

607. What was drunk in your house that day?—About 50 quarts, I think.

608. That was the whole amount drunk that day?—Drunk by the voters; a great deal was paid for besides.

609. I asked you the amount drunk in the house that day?—We never keep any account of the amount drunk.

610. Have you applied to the other side for payment of any beer?—No.

611. Do you swear that?—Yes.

612. To no one?—To no one.

613. Is the only application you have for beer consumed in the house that day, for those particular 50 quarts?—I made application to Mr. Allsop and Mr. Robertson.

614. That is in respect of the 50 quarts, I understand?—Yes.

615. I ask, did you make any other application to any one for payment for beer consumed in your house that day?—No.

616. You are quite sure of that?—Yes.

617. What is the charge per pot?—Sixpence.

618. Did you supply it yourself, or some barmaid or barman?—Mistress and the servant.

619. Who kept the score of what was supplied?—I could not say, I was not at home all day.

620. What time did you go out in the morning?—I was out from about 9 o'clock.

621. And were you not back again until after 4?—Back about 4.

622. What were you doing in the meantime?—I was about with one another in the election.

623. That is rather vague; describe what you were doing?—I was with Mr. Woods a great part of the day.

624. Had you been a friend of Mr. Woods before?—I knew him.

625. How long had you known Mr. Woods?—About this two years.

626. What had you known him as?—A commercial traveller, I believe.

627. Have you ever had any business transactions with him yourself?—Yes.

628. What?—I bought tea of him.

629. That is the only business you have had with him?—Yes, tea and other things.

630. Have you paid him?—Yes.

631. He did not make any bad debts with you?—No.

632. That is the only transaction you have had with him, buying goods from him?—Buying goods is all the transactions I have had with Mr. Woods.

633. All you have ever had with Mr. Woods?—Except the day of election.

634. What transaction had you on the day of election?—Nothing more than I have told you already.

635. Was there any agreement between you and Mr. Woods as to any division of profits at this election?—No.

636. No agreement of any sort or kind?—No.

637. You were not to go shares in anything you got?—No.

638. What have you received altogether in respect of this election?—I have not received nothing.

639. Have you received nothing for giving your evidence?—No.

640. Or promised nothing?—No; I was paid my expenses up.

641. What were you paid?—Three pounds.

642. When?—Yesterday afternoon.

643. That was the first sum?—Yes.

644. From whom did you receive that?—Some gentleman who brought the subpœna.

645. Have you not made a statement to some gentleman who took it down in writing when you made it?—I told the gentleman what was carried on, and what was done when he came and brought the subpœna.

646. And did that gentleman take it down in writing?—Yes.

647. When was that?—What?

648. Do you mean to swear you do not understand my question. I will repeat it; when was it that this gentleman took down in writing what you told him happened at the election?—I could not say whether it was Monday or Tuesday.

649. What

649. What do you believe?—I do not know whether it was Monday or Tuesday.

650. Do you mean to say that you have no belief whether it was last Monday or Tuesday?—No.

651. Will you swear that last Monday or Tuesday was the first time you communicated to anybody what happened at this election?—Yes.

652. You had not told anybody before?—No; I might have, in conversation with other people in the house. I could not say that.

653. Did you think it an innocent transaction you had been engaged in?—Yes.

654. You thought that it was an innocent transaction?—Yes.

655. That you swear?—Yes.

656. And there was no reason of course to conceal it from anybody?—No.

657. Then, as a matter of conversation, you talked about it, I think you say, to people in the house, and then this gentleman called upon you; did he call upon you, or you upon him?—He called upon me.

658. Who was the somebody who called upon you?—A gentleman of the name of Mr. Adams, called upon me.

659. Who is Mr. Adams?—I do not know.

660. Do you mean to swear you do not know?—I do not.

661. I will help you. Was he secretary to the Liberal Association?—Not that I know of.

662. You never heard of that till this moment?—No; I had never seen Mr. Adams, that I know of.

663. Did you never hear that Mr. Adams was secretary to the Liberal Association until I put it to you now in the form of a question?—No; I did not. I never saw Mr. Adams.

664. When Mr. Adams called, did he ask you whether you were a voter?—He brought me a subpœna.

665. And what did he say when he brought you the subpœna?—He said I should have to go to London.

666. What did you say?—I said I did not want to go.

667. Go on; what happened next, come?—He took down in writing.

668. But he could not take down in writing, I suppose, unless you spoke; how came you to speak?—I told him the same as I have told here before.

669. Then what I want to know is this; how came you to tell; what passed between you and Mr. Adams that induced you to tell? Do not look round there, but just answer my question?—Well, I did not know what to do.

670. I should have thought you might have said, "Well, mind your own business," or something of that sort, but you told him all that happened at the election; I want to know how it came to pass?—I could not say.

671. You cannot explain at all?—No.

Re-examined by Mr. Serjeant *Ballantine.*

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672. You say that a great part of the day you were about with Mr. Woods?—I did.

673. Did you go up to the poll with Mr. Woods?—I did.

674. Were there other persons that Mr. Woods took up at the same time?—There were.

675. Have you seen what Mr. Woods had been doing?—I had seen him pay several voters.

676. About how many?—A great many I saw him pay.

677. About how many?—I saw him pay 12 or 14 or more, up to 20.

678. Now there is a little bit of arithmetic I want you to help me in; 50 pots of beer at 6 *d.* would only come to 25 *s.*?—Bottled ale besides, and ginger beer; it is all marked on the book.

679. What is the price of ginger beer at Bristol?—Twopence a bottle.

680. Now you say that you do not book all the beer you supply during the day; why did you book this in particular?—Because I do not generally trust you know.

Mr. *Giffard.*] But he did not book it himself.

681. Mr. Serjeant *Ballantine.*] I understaud you to say you booked it?—No, my mistress did.

682. You say you saw Mr. Woods give money to several voters; do you happen to know their names, or any of them?—A man of the name of Fox, Peters, Hiscock, Headley, and other names, I could not say I know them all.

683. Do you know Alfred Davis?—Yes, I saw him give him money.

684. Do you know Thomas Benjamin Green; did you or not see him give money to him?—Yes, I see him give money to Green.

Mr. *Giffard* objected to these as leading questions.

685. Mr. Serjeant *Ballantine.*] Do you know a person named Francis Kettle?—I do not.

686. Do you know William Edward Mills?—Yes.

687. Did anything occur to him in your presence?—I could not say in my presence.

688. Did anything occur to James Peters?—Yes.

689. What?—He was paid.

690. Mr. *Giffard.*] You saw him, did you?—Yes.

691. Mr. Serjeant *Ballantine.*] John Pope?—I did not see him paid.

692. William Webber?—I saw him paid.

693. In addition to those, you have mentioned that there were other voters up at the same time with you at the poll?—A good many, I could not say their names.

694. With regard to Peter and Pope and two or three others whom you did not see paid, did you see them up at the poll?—Yes.

695. When Mr. Woods was there?—Yes.

[The Witness withdrew.

Mrs. Harriet Weaver was called in; and, having been sworn, was Examined by Mr. *Norris,* as folfows:—

Mrs. *H. Weaver.*

696. Are you the wife of George Weaver?—Yes.

697. Where does he live?—Sims-alley.

698. Do you recollect the night before the polling at the last election at Bristol?—Yes.

699. Did any one call upon him that evening?—Mr. Jones.

700. What did Mr. Jones say?—He asked my husband who he intended to vote for, if he had promised his vote for any one, and he said no.

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701. What else?—He said, "You cannot afford to lose a day's work to-morrow, can you", and he said no, he could not.

702. Did anything else pass about Mr. Miles?—He said, "Come and vote for Mr. Miles, I will pay you for a day's work, and a good day's work."

703. Did he say how much?—No.

704. That was all that passed that night?—That night.

705. Now the next morning, on the Wednesday morning, the election, did any one come to your house?—Several called during the morning, but a man of the name of Mr. Woods called there about 11 o'clock, and asked him to come to the committee-room, and he would have plenty to eat and plenty to drink if he came there, and he said he should not come, he should not vote for two hours.

706. Did Mr. Woods say anything else?—He went away then; he came again about 1 o'clock, and said he would give my husband 10 *s.* if he would vote for Mr. Miles.

707. Did he say that to your husband?—Yes.

708. And what for did he say?—To vote for Mr. Miles.

709. Was there any one present at that time?—That was not in the shop; he went inside, and then he went and fetched it; he said he had not meney enough, and went outside to another gentleman, and came in again, and put the half-sovereign into my husband's hand, and my husband returned it, and said, "No, Sir, I shall not sell my principles for 10 *s.*

710. When your husband said, "I shall not sell my principles for 10 *s.*," was there anybody there then?—Yes; a man was there of the name of Smith.

711. Was that Charles Smith?—Yes; [Charles Smith.

712. Do you know where your husband is now?—He was taken under arrest last night, at 5 o'clock.

713. What for?—For a debt.

714. Do you know at whose instance?—No.

715. Do you know if your husband was served with a subpœna to attend this Committee; a notice to be here?—Yes; he was told he should be wanted this morning at 8 o'clock.

716. And, as far as you know, is his arrest the only thing that prevents him from coming up?—Yes, that is the only thing that prevents him from coming up.

Cross-examined by Mr. *Giffard.*

717. As I understand you, Mr. Woods spoke to your husband about voting, and spoke about 10 *s.* Did your husband agree to take the 10 *s.* or not, before Mr. Woods went out to the other gentleman?—No.

718. Did he say whether he would take it or not?—No.

719. Neither one way nor the other?—No.

720. Tell me again what Woods said?—If he woul vote for Mr. Miles, he would give him 10 *s.*

721. And your husband heard that, I suppose?—Yes; he heard it.

722. Well; what did he say?—I do not think he made any answer to it; I do not recollect that he did.

723. Can you say positively, one way or the other, whether he did or not?—No; I could not say.

724. What happened next?—My husband returned the money; Mr. Woods said he could not give any more, and he turned round and shook hands with him, and went away.

725. (By the *Committee.*) Who returned the money?—My husband returned the money to Mr. Woods; then they shook hands, and went away.

726. Mr. *Giffard.*] But what I was asking you was this; I wanted to know what exactly happened before Mr. Woods went out of the door and came back again with the half sovereign?—Nothing happened that I am aware of.

727. You know, as I understand you, that Mr. Woods went out to fetch a half-sovereign from some gentleman that was outside?—Yes.

728. How came he to go out to fetch half a sovereign?—I cannot tell how he came to do so; he did do so.

729. Your husband had not said that he would take the 10 *s.*?—No; I never heard him say so.

730. You were there, and heard all that passed?—I was there; and I do not think that was said.

731. He promised your husband 10 *s.* for voting for Miles, and your husband did not agree to do it at all; but then he put 10 *s.* in his hand, and your husband said he was not going to sell his principles. Just tell me the words again?—That he was not going to sell his principles for 10 *s.*

732. Was it upon that Mr. Woods said he could not give any more?—Yes.

733. Then they shook hands?—Yes.

734. Had Woods been a fried of your husband before that?—No; never saw him before that.

735. Did you know who he was then?—No.

736. Have you seen him since?—Yes.

737. How often?—In a grocer's shop close by.

738. Is that the Mr. Woods; do you see the gentleman now in the room?—Yes, that is the gentleman.

739. I want to know how often since you have seen him?—Only once till to-day.

740. When was that?—About a fortnight ago; I could not say what date.

741. How came you to see him then?—I went into a grocer's shop to buy something, and he was in there.

742. What was he doing?—I could not say.

743. You met him accidentally?—Yes.

744. Had you no conversation with him?—No.

745. Has your husband seen him since?—No.

746. Did your husband at the time ask him who he was?—No.

747. How did you know his name?—I asked the gentleman in the grocer's shop who he was.

748. Who was the gentleman?—A man of the name of Hatherley.

749. Is that the gentleman who keeps the shop?—Yes.

750. You did not know who Woods was, or where he lives, or anything about him?—No.

751. He was quite a stranger to you?—Yes.

752. And to your husband?—Yes.

Re-examined by Mr Serjeant *Ballantine.*

753. Your husband voted for Mr. Morley, I believe?—Yes.

[The Witness withdrew.

CHARLES SMITH was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:—

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754. Do you know Mrs. Weaver?—Yes.

755. Were you at her house any day when any gentleman came there about her husband's vote?—Yes, once.

756. Did you see Mr. Woods there?—I do not know his name; I know the gentleman quite well; but I do not know his name; that is the gentleman (*pointing him out*).

757. Did you hear anything take place about 10*s.*?—Yes.

758. Tell us what it was?—A half a sovereign was given and returned back.

759. Half a sovereign given by whom?—By that gentleman there.

760. What did Mr. Weaver do?—He said, "I shall not be bought for half a sovereign," and returned it back; that is all I know.

Cross-examined by Mr. *Giffard*.

761. Tell us a little more about that; how did it happen? you have begun at the end; I want you to begin at the beginning?—Very good, Sir; go on, I am ready.

762. Now tell us what you first heard pass between them?—I heard a little bit. This was a small room, a sort of parlour between the shop; and the gentleman had not money enough, and he said, "I will go out for two minutes to get the money, and come back and give the man so and so." And he said, "I shall not have it."

763. I want you to begin earlier?—How was that?

764. Just tell me the first thing that you heard; who was present?—There were two gentlemen came as far as the door.

765. Who were the two?—I do not know the other gentleman.

766. That gentleman there and another gentleman?—Yes; and there was only that gentleman that came into the parlour or shop, or something of that sort; and he said, "I want to give you so and so."

767. Do not say, "So and so;" tell us what he said?—I beg your pardon; give me time.

768. You shall have as much time as you like?—Thank you, Sir, much obliged. There was a gentleman came in, I believe, not far off, and said, "We want you." They did not want me, mind, because I have no vote; they wanted Mr. Weaver. "I will give you so and so."

769. Do tell us what he said; he did not say "so and so," did he?—He had not got the money in his pocket.

770. Tell us what happened?—I will tell you what happened. I saw that money pass from that gentleman to Mr. Weaver, and he handed it back again.

771. You have said that a great many times?—That is what I know.

772. How many times have you said that before you came into this room?—I do not know.

773. Tell us what passed before that?—I do not know.

774. You were there?—I know nothing.

775. Attend to me. You know that you came here to tell us all that you heard, did you not?—It is not hearing; it is what I saw.

776. You saw that gentleman, Mr. Woods, and another gentleman, come up to the door?—I saw that gentleman; I do not know what his name is.

777. I want to know what it was that Mr. Woods said when he came in?—I tell you he said, "There is somebody else would have something or other heavier than that."

778. Is that what he said?—Yes; "something or other heavier than half a one, that would not weigh much; that is all I can afford." That is all I know.

779. I want you to tell me when you heard that said between them?—I never heard nothing; I only heard "I will give you this."

780. Who said that?—That gentleman over here.

781. To whom?—To Mr. Weaver.

782. And you were present?—I was not four yards off.

783. And that is all he said, "I will give you this"?—Yes; and Mr. Weaver said, "I shall not be bought for half a sovereign."

784. That is all that passed between them?—That is all I saw.

785. Did you see him go out to fetch the money?—Yes; I would tell no lie for all the people in England; I am an old soldier. This gentleman came in and said that he had not change enough; he slipped out, and said he would be back in two minutes.

786. Before he went out and came back with the change, what did he say?—He said, "I will give you so and so."

787. Did you hear any sum mentioned that he would give?—Ten shillings.

788. What did Mr. Weaver say?—He said, "I am not going to be bought for 10*s.*" I believe that gentleman said, "Come up to our committee-room;" he said, "It is time enough."

789. Mr. Weaver said "It is time enough"?—Yes.

790. Did that gentleman say what Mr. Weaver was to do for the 10*s.*?—It is my belief, it is between me and the commander in chief; I do not know whether you call these things going on bribing; and all I know is I saw the money returned back.

791. I want to know whether he said anything was to be done by Weaver if he got the 10*s.*?—Yes; he was ordered up to the committee-room; "and then you will have plenty to eat and drink." Although we were sitting there, we had nothing.

792. What did Mr. Weaver say to that?—Mr. Weaver said, "I shall not be bought for 10*s.*"

793. That was when the 10*s.* was offered him, I understand?—I do not know.

794. You were present?—I was not there three minutes.

795. You were there when a man came in?—Yes.

796. And there when he went out?—I was; and when he came in.

797. Now I want to know, before he went out to fetch the money, what did you hear Mr. Weaver say?—There I stop. I know not.

798. Mr. Weaver said nothing at all?—I know not.

799. You were within four yards of him, I thought you said?—Mind, I do not look after other people's business. I went into the same room or the same house within three yards; I saw the money pass and come back again.

800. That is all you come to say?—Yes.

801. You

C. Smith.
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801. You cannot say what passed before?—No; I saw the gentleman go out and come in.

802. How long was he away?—Not three minutes.

803. Did he speak to the man that came with him to the door?—I do not know; but I do not know the other man. I will not say a lie for all the people of England.

Re-examined by Mr. Serjeant *Ballantine.*

804. When these gentlemen came in, were you in the shop?—I was; I beg your pardon, I was on the top of what they call Sims-alley.

805. When Mr. Woods came in; when the gentleman that you see here came in, were you in the shop?—I was not in the shop; I was in another room, what they call the parlour.

806. Were you able to hear what took place in the shop?—I saw something.

807. I ask, did you hear?—I did not hear anything; I saw something pass, and it was returned back; that is all I know.

[The Witness withdrew.

Mr. Thomas David Taylor was called in; and, having been sworn, was Examined by Mr. *James*, as follows:—

Mr. *T. D. Taylor.*

808. You are one of the editors and proprietors of the "Daily Bristol Times and Mirror"?—I am.

809. I believe your partner is Mr. Leach?—Yes.

810. You are the gentleman who attend practically to the business yourself?—Yes; a certain portion of the business.

811. Matters connected with the business?—Yes.

812. In your paper, "The Daily Bristol Times and Mirror," you support Conservative principles; it is a Conservative paper?—It is.

813. And the only one in Bristol, I believe?—Yes, the only one.

814. Naturally you supported Mr. Miles' candidateship as much as you could in your paper?—We endeavoured to do so.

815. In accordance with your own views I suppose, and those of your paper?—Yes.

816. Will you look at that; there is a newspaper of yours of Friday, 24th April 1868; that is the paper published by you?—It is.

817. And I see in that (the Committee will probably look at that) there is "Bristol Election, 1868—The various committees for securing the return to Parliament of John William Miles, Esquire, meet at the following places;" and then there come a list of the places, with the committees, and the chairmen and vice chairmen?—Yes.

818. You inserted that; that was, of course, an advertisement, and to be paid for as such?—Yes.

819. Have you got your books here?—No.

820. You have had notice to produce them?—No, I think not.

821. From whom did you receive the manuscript of that advertisement for insertion?—I did not receive it myself at all.

822. In your office who received it?—I inquired of my clerk, and I think this advertisement must have come from Queen's-square. I tell you why I am under that impression, because I know that Mr. Hyde brought a corrected list, and I happened to be there when he brought it.

823. Who is Mr. Hyde?—Mr. Hyde is the secretary of Queen's-square.

824. Will you explain to us what you mean by Queen's-square?—The Conservative Registration Society at Queen's-square.

825. Was the central committee-room of Mr. Miles at Queen-square too?—Yes.

826. At the same office as you spoke of Mr. Hyde coming from?—Yes.

827. To your knowledge, did Mr. Hyde take an active part in the election of Mr. Miles?—Yes, certainly.

828. Have you sent in your account for that advertisement?—I cannot tell you.

829. Whom do you charge with it?—I cannot tell you.

830. We have given you notice to produce all this?—I cannot produce it if I have not got it.

831. If it is paid for you put it in your books?—If it is paid for. I do not know whether it is paid for.

832. I want to know who it is charged to in your books?—I cannot tell you. I do not want to conceal anything from you. I suppose it will be charged to the general committee.

Mr. *Giffard* stated that he would admit that the Conservative Registration Association ordered and inserted these advertisements.

832*. Mr. *James* (to the *Witness*).] I must have your books here; when can we have them?—Upon my word I cannot tell you.

833. They are in Bristol?—They are in Bristol.

834. You have had notice to produce them?—No, I think not the books.

835. Where is the manuscript for this advertisement?—I cannot tell you.

836. Who will know?—I do not know. I have made inquiry at the office.

837. I will read you what you have been asked to bring with you, "all manuscript addresses, resolutions of meetings, and list of committees"?—A great portion of those are gone into the waste paper basket.

838. Do you know that this is?—I have searched for it.

839. From whom can we get this information best?—From the clerk of the office.

840. Is there a clerk who knows more about it than yourself?—There ought to be.

841. Who?—We have two clerks, Mr. James Leaworthy and Mr. Richard Barrington.

842. "And other documents received by you and your partner from Mr. Hyde, or from Mr. Miles, or from the committee for conducting his election, for insertion in your newspaper, 'The Bristol Times, and Mirror,' between the 1st January and the 1st May 1868, with all orders and instructions received by you and your partner from the said parties, or committee, or either of them, for the insertion, during such period, of any

any advertisement in your said paper"?—Will you allow me to explain for a moment. I think it is quite impossible to produce many of these things, because a good many of these orders came *vivâ voce*.

843. From whom?—I really cannot tell you; people come in at all hours of night at election times. It is quite different from our ordinary business. Mr. *T. D. Taylor.* 19 June 1868.

844. To whom would the *vivâ voce* order be given?—Sometimes to one clerk and sometimes to another.

The Witness withdrew.

[Adjourned to To-morrow, at 11 o'clock.

Saturday, 20th June 1868.

EDWARD HOWES, Esq., IN THE CHAIR.

The names of the Members were called over:—All present.

Mr. THOMAS DAVID TAYLOR was again called in; and was further Examined by Mr. *James*, as follows:—

845. I THINK the last point that we had arrived at was that you received the instructions for inserting this list of committees from Mr. Hyde?—I did.

846. If you look here at what you yourself printed (*handing a newspaper to the Witness*), there is Mr. Miles's central committee-room, and Mr. Hyde is returned as the honorary secretary of the central committee?—Yes.

847. Do you know where that committee-room is?—I presume in Queen's-square.

848. Where is that central committee-room?—I presume it to be in Queen's-square.

849. Do you not know that?—I am not on the committee myself.

850. But you have been in the committee-room yourself; do you not know where Mr. Miles's central committee-room was during the last election for the city and county of Bristol?—The committee met in Queen's-square.

851. Was that the central committee?—I think so.

852. Were there placards at that door, "Mr. Miles's committee-room"?—There might have been; I do not know that there were. I did not see them.

853. Have you been there yourself?—Yes.

854. Have you seen Mr. Miles there?—On the day of election I saw him there; never before.

855. Have you seen Mr. Hyde there?—Yes.

856. Let me read your own printing, "The various committees for securing the return to Parliament of John William Miles, Esq., meet at the following places: Central committee, offices 54, Queen-square; the committee meet daily, Richard Poole King, Esq., chairman; Samuel Henry Hyde, secretary." And then comes "Bristol Conservative Working Men's Association; the committee meet daily;" and then comes "parish of All Saints," and the different chairmen and secretaries. Who acted as secretary at the central committee-room in 54, Queen-square?—I do not know of my own knowledge.

857. Did you see any one there acting as secretary?—No. Mr. *T. D. Taylor.* 20 June 1868.

858. Did you receive your orders for this printing from Mr. Hyde from the office, 54, Queen-square?—You mean as regards this particular address, I did; I received it from Mr. Hyde; he came to my office with it.

859. Did you print all Miles's printing for the election, or the principal part of it, addresses and placards?—Yes.

860. From whom did you receive the order for that?—From Mr. Abbott and Mr. Charles Ward.

861. They are both solicitors in Bristol?—Both solicitors in Bristol.

862. Did you receive any orders from Mr. Hyde except this one advertisement?—Not for addresses.

863. But for anything else?—Well, I cannot say; I think there might be orders for bills printed occasionally. I do not think that I could say that Hyde gave gave me any order personally for anything else besides that particular address in the paper now.

864. (By the *Committee.*) Besides the advertisement you mean?—Besides the advertisement.

865. Did you say that you had the order from Mr. Hyde at the committee-room, or at your office?—At my own office.

866. Mr. *James.*] But you have seen Mr. Hyde at this committee-room, which is advertised, 54, Queen-square?—Yes.

867. Did Mr. Richard Poole King, mentioned here as chairman, propose Mr. Miles?—Yes.

868. And to your knowledge did not Mr. Hyde take an active part in the election on Mr. Miles's behalf?—I should say he did.

869. And you have seen him in the committee-room with Mr. Miles?—Not with Mr. Miles. I never saw Mr. Miles in the committee-room but once, and that was on the day of election.

870. Was not Mr. Hyde there then?—No, not with Mr. Miles, I think.

Mr. T. D. Taylor. 20 June, 1868.

871. Was he not there at the time when Mr. Miles was there?—He came in afterwards.

872. Then they were there together?—Well, he came in just at the close.

873. They were there together some time?—They might be.

874. Were they?—I did not see them together.

875. Were you present at the meeting that took place after the election; were you present at four o'clock at Queen-square, and heard what took place in front of the Conservative central committee-room?—Yes.

876. Did Mr. King appear at the window, and I see that he was received with loud cheers, and read out the state of the pole, which showed that Mr. Miles was the successful candidate?—I think he did.

877. Mr. Miles then returned thanks and spoke?—He did.

878. Did not Mr. Miles then propose a vote of thanks to Mr. Ford?—Whatever is in the paper is sure to be correct. I do not recollect myself.

879. Did not Mr. Ford, in Mr. Miles's presence, say this, "Now I ask you for one cheer more for Mr. Miles, a cheer for Mr. R. P. King, and last though not least, a cheer for Mr. Samuel Hyde." Was not that said in Mr. Miles's presence?—I do not know whether that was said in Mr. Miles's presence; it was said. I do not know whether Mr. Miles had left the room then. Please to recollect the room was fearfully hot and crowded.

880. Mr. Miles had been there a short time before and spoken, and you had not seen him leave?—No, I had not seen him leave.

881. That was in front of this central committee-room?—That was in front of this central committee-room.

882. Did that come from your office; whose writing is that (*handing a paper to the Witness*)?—That is the writing I think of one of our clerks.

883. I believe this is what is usually done by newspapers. A note is sent to another newspaper, to the "Observer," "Insert Mr. Miles's address, Mr. Palmer's letter and committees, tomorrow, Saturday." I believe you sent this very advertisement in with that document (*handing the same to the Witness*). You say, "and committees;" does it refer to that?—I cannot tell you that really; I have no doubt that it came from our office.

884. Do you not know that you did send it from your office to the "Observer"?—I do not know what that (*pointing to it*) may be, it may refer to those committees.

885. I see there at the bottom, "charge election committee;" what election committee is that?—In our books the whole of the accounts are put down into one general charge, "Bristol election committee."

886. And that was the election committee of Mr. J. W. Miles, was it not?—It was the election committee of Mr. Miles; but please to recollect Mr. Miles's accounts were kept separate altogether. They were all hodge podge.

887. Who were the advertisements for those committees charged to?—Mr. Miles's address was charged to Mr. Miles.

888. I did not ask you about the address, I ask you about the committees; to whom were those lists of committees charged?—They would be charged to the general committee.

889. That is the election committee for securing Mr. Miles's return?—The general committee.

890. That (*handing it to the Witness*) is Mr. Miles's first address; is that also the writing of the clerk you see on that?—There are so many clerks and so many handwritings.

891. But they are your clerks?—Yes, I should say that was.

892. Look at the address of Mr. Miles, the early address, dated the 31st of January. This was sent from your office to the press, and I see that you put here, "charge election committee"?—That may be so, because I tell you all the accounts were put in that way; but we had no authority to put that down; I had no authority myself.

893. Have you been paid nothing yet?—Oh, yes, I have.

894. By whom?—By a cheque drawn by Mr. Roberts, Mr. Miles's agent, countersigned by Mr. Charles Ward; 85 *l.*, I think the amount is, I will not be quite sure about the amount; I think it is 85 *l.*

895. Just let me ask you, you know Mr. Hyde?—Yes.

896. Is he in Bristol?—I cannot tell you.

897. Have you seen him now in Bristol for the last three weeks?—I think so.

898. Can you give me the last time that you have seen him, and where you saw him, because we want to find him?—I could not indeed; I know nothing about his movements.

899. Where have you seen him last?—I cannot tell you; in the street I think.

900. When was the last time?—I really do not know.

901. About when; was it a fortnight ago, or three weeks?—I should say certainly it was a fortnight ago, perhaps 10 days ago.

902. You think that you have seen him within 10 days?—Yes.

903. You know his place of business?—Yes.

904. You saw him in the street you think, within 10 days?—I am trying to recollect, if you will allow me.

905. It is now Saturday; have you seen him since last Monday week?—I really could not tell you.

906. Now, to go back. You say that you have received sums of money for the payment of your printing account; have you sent in any accounts on which these payments have been made?—Yes.

907. To whom?—To Mr. Charles Ward, charged to Mr. Miles.

908. For the very printing of those committees amongst others?—No, only those addresses.

909. Why not the printing of those committees?—Because we charged it to the general committee; it will be charged. We have not made out the account yet; I hope we shall get it; it has not been made out yet.

910. Why not?—We find generally at elections, if we make out our account soon we do not get the money the sooner for it. Election committees, like the rest of mankind, pay the printer last.

Cross-examined

Cross-examined by Mr. *Matthews*.

911. Just one word about this committee-room. I dare say you know that there is in Bristol an association called the Bristol Conservative Registration Society?—Yes.

912. And are their rooms at this 54, Queen-square?—They are.

913. Is Mr. Richard Poole King the chairman of that Registration Society?—I cannot tell you who the chairman is.

914. Now, I understood you to say that you saw Mr. Miles in that room, 54 Queen-square, once?—Once.

915. Was that after the election was over?—It was.

916. Was he going round thanking his supporters in all parts of the town?—He was.

917. And, among other places, did he go to this Conservative Registration Society and thank his friends there?—At the close of the election he did.

918. The final close of the poll was read out in his presence?—The close of the poll had been known for an hour and a half, I should think.

919. An hour and a half before he went there?—Yes.

920. Now, as I understand you, the order for printing Mr. Miles's addresses was given to you by Mr. Miles's agents, Mr. Abbott and Mr. Ward?—Given by Mr. Abbott and Mr. Ward.

921. And you have been paid for it by Mr. Miles?—I have.

922. Had you any order whatever from Mr. Miles for printing those advertisements of committee lists?—None whatever.

923. You have not been paid for that by Mr. Miles?—No.

924. Nor have you charged it?—Nor have we charged it.

925. Now, some papers have been put into your hands which I have never seen, just let me look at them?—(*The Witness handed the papers to Mr. Matthews.*)

926. Are these notes that you sent to Liberal newspapers in Bristol?—They were sent by the clerks in the office.

927. Sent to the Liberal newspapers in Bristol, for the insertion of these different documents?—Yes.

928. When you transmit in that way advertisements to other papers, do you in ordinauy course charge that insertion to the same account as your own insertion?—Yes.

929. I suppose that you are liable in the first instance to the Liberal newspaper for the insertion?—Quite so; they would come to us for the money if they could not get it anywhere else.

930. And you would get it back from the parties?—Where we can.

931. That sum received from Mr. Roberts referred only to the addresses?—The addresses done for Miles, the advertised addresses, and the large bills printed.

Mr. *T. D. Taylor.*

29 June 1868.

Re-examined by Mr. *James*.

932. Your paper, I presume, has a very fair circulation?—I think so.

933. In your paper of Friday, 31st January, did those resolutions appear (*handing a slip to the Witness*)?—I cannot tell you, unless I saw the paper itself; I cannot tell it from a mere extract.

934. This will refresh you better in every way; it is your own paper; were you present at that meeting of the 30th January (*handing a paper to the Witness*)?—Yes.

935. I think you now will recollect you published this resolution: "At a meeting of the Bristol Conservative Registration Society, held on Thursday, January 30th, at the Athenæum, Corn-street, Richard Poole King, Esq." (the gentleman who proposed Mr. Miles), "in the chair, the following resolutions were passed unanimously:—Moved by Robert Phippen, Esq., seconded by James Ford, Esq., 'That in the opinion of this meeting, John William Miles, Esq., is eminently qualified to represent the commercial, manufacturing, and general interests of this, his native city, in Parliament." Then the only other thing that is material is this: "Moved by Sholto Vere Hare, Esq., seconded by Mr. William Kearsey, 'That the members of the Conservative Registration Society, with power to add to their numbers, be a committee for conducting the election of John William Miles, Esq., and that Richard Poole King, Esq., be chairman.'" Did you not only publish that in your own paper, but send it to other papers for insertion, telling them to charge the election committee with it?—It looks so.

936. Do you know of any other committees that were sitting to conduct Mr. Miles's election, except the committees mentioned in those advertisements?—No, not of my own knowledge.

937. And do you know of any other central committee-room or committee, except the one at 54, Queen-square?—No.

938. Mr. *Matthews*.] Mr. Miles was not present at that meeting of the 30th January?—Yes, I think he spoke there. No, he was not, I see.

939. He had not then yet come forward as a candidate?—He had not then come forward.

940. It was a preliminary meeting of the Conservative Registration Society of Bristol?—It was.

941. Mr. *James*.] But in your paper it was published all over Bristol, and the other papers it was published in too?—Published throughout Europe.

[The Witness withdrew.

GEORGE WEAVER was called in; and, having been sworn, was Examined by Mr. *James*, as follows:—

942. Do you live at 15 Sims-alley?—Yes.

943. And have you a vote for the city of Bristol?—I have.

944. Do you recollect the evening before the polling day?—I do.

945. Did any one call upon you?—Yes.

946. Was he a stranger to you, or do you know his name?—A stranger to me; he told me his name was Mr. Jones, a broker; used to keep a broker's shop in Broadmead. *G. Weaver.*

947. Did he say anything to you about your vote?—He did; he asked me if I had promised

G. Weaver.
20 June 1868.

my vote; I told him I had not. He said, "You cannot afford to lose a day's work, can you, Weaver?" I said, "No, Sir." "Then come and vote for Mr. Miles, and I will give you a day's work, and a good day's work."

948. Now, upon the polling day, did anybody call upon you again about your vote?—Yes, there were several parties called upon me the next day.

949. Do you know, now, a person of the name of Woods?—There was a person called upon me, and I was told after his name was Woods; I have not seen that person since.

950. Did you see that person in the presence of your wife, and also of Charles Smith?—Yes.

951. What did he say to you about your vote?—Mr. Woods asked me if I would come to the committee-room, either Mr. Townley's or Broadmead, and have something to eat and drink, as much as I liked; and I told him, no, I had some other business, that I should not come to any committee-room. He called on me again, and wanted to leave a man to bring me there, and he would give me 10*s.*, plenty to eat, and plenty to drink.

952. What tookplace about the 10*s.*?—About an hour afterwards he called on me, and came into the shop and asked me if I would come then; I said, no, I was not going to any committee-room; he came from the shop into a little room, and pulled some money out of his pocket, and said, "It is not enough here."

953. Did you see what it was?—No, not the amount; I know it was money; he went outside the door, and returned again with the half sovereign, and put it in my hand, and said, "I can do that much for you if you come and vote for Mr. Miles." I said, "I will not sell my vote for no 10*s.*"

954. And you did not?—I did not.

955. You having said that, did he go away?—He went away.

956. Was this last part of it, the production of the 10*s.*, in the presence of your wife and Charles Smith?—It was.

957. You afterwards voted, I believe for Morley?—I did.

Cross-examined by Mr. *Giffard.*

958. When did you get to London?—I left Bristol yesterday about 11 o'clock in the morning.

959. Then I suppose you got to London last night?—Yes; I came to London yesterday evening.

960. What time did you get to London?—I should think between five and six in the evening, when we got to Paddington.

961. I suppose you saw your wife last night?—Yes.

962. You have not consented either to go to a committee-room and have anything to drink, or to sell your vote to anybody?—No.

963. Was Mr. Woods a stranger to you?—He was.

964. So that Mr. Woods, in the presence of Smith, offered to bribe you publicly, and you publicly refused?—He did not know, I suppose, that Mr. Smith was in the shop, but he came in the other side, and Mr. Smith was there.

965. Do you mean to say he and Mr. Smith could not see one another?—Yes, they could see one another, and he spoke to Smith himself.

966. Do you mean to say he came in, and in the presence of a stranger, offered to bribe you?—He did; he offered me the money, and not only offered me, he gave it me in my hands, he put it in my hand.

967. And you said that "you would not sell your vote for no 10*s.*," and he went away?—Yes.

968. Was he a stranger to you before?—No.

969. Have you seen him since?—No.

Re-examined by Mr. *James.*

970. He was the person your wife and Charles Smith saw?—Yes.

971. And are you quite sure that he produced the 10*s.* to you to vote for Mr. Miles?—I am.

[The Witness withdrew.

THOMAS BENJAMIN GREEN was called in; and, having been sworn, was Examined by Mr. *James*, as follows:—

T. B. Green.

972. Do you live at No. 1, Stratton-street, which is in St. Paul's parish, Bristol?—Yes.

973. And have you a vote for that city?—Yes.

974. Do you know a man named Alfred Horder?—Yes, I do.

975. Did you meet Mr. Horder, I am not sure of the date, or the days before the election, and have any conversation with him?—No; the same morning that the election was.

976. Where was it that you met him?—In James's Back.

977. What did he say to you?—Well, he asked me whether I was going to vote, and I was talking to three or more that I knowed there.

978. Can you tell me who the two or three were that you mentioned?—Yes, I think I can.

979. Who were they?—Fox was one.

980. Is that John Fox?—Yes.

981. Who was the other?—Peters.

982. Do you know his Christian name?—James.

983. What was said?—They said that there was some money flying about.

984. First, what did Mr. Horder say?—Horder told me so; he said, "better wait a bit," and went away, and came back again and took us to a gentleman named Woods.

985. Where did you wait whilst he was away?—In the street.

986. When you went to Mr. Woods, what was said, if anything, by one or the other of them?—Well, Mr. Horder took me to Mr. Woods, and said, "This here is the gentleman to give you half a sovereign.

987. Did Mr. Woods say anything to you?—No.

988. Did he give you anything?—He gave me the half sovereign."

989. Now, having the half sovereign, did you go to the St. Paul's committee-room?—Yes.

990. Who went with you there?—Mr. Horner.

991. Did

991. Did anyone else go, or did you go alone?—No, there was another.

992. Who was that?—I think it was Fox.

993. You went to St. Paul's committee-room; where did you go from there?—From there, down to Temple Back to poll.

994. Who went with you to the poll?—I could not tell you.

995. Did some one?—Yes, in the fly.

996. From the St. Paul's committee-room?—Yes.

997. But you do not know his name?—No.

998. Where was the fly; at the door?—In the street.

999. Was there any placards on it?—Yes, a card on the fly.

1000. What was the card?—I forget what it was now.

1001. Never mind the exact words; was Mr. Miles's name on it?—I do not know; I will not say that.

1002. What was the colour of the card?—Blue.

1003. What was Mr. Miles's colour at Bristol this time?—Blue. *T. B. Green.* 20 June 1868.

1004. Some one you do not know, who went with you to the polling booth?—Yes.

1005. And did you then vote for Mr. Miles?—Yes.

1006. After having voted, where did you go to then?—Went away somewhere.

1007. Did you go back at all, and have any refreshment anywhere?—No, I do not know that I did.

1008. Before voting, did you have any refreshment?—No.

1009. None at all?—None at all.

1010. Did you see Mr. Woods give any money to anybody else besides yourself?—Yes; I think he give some money to Fox.

1011. Do you know what it was?—Half a sovereign.

Mr. *Giffard* stated that he would not put any questions to this witness.

[The Witness withdrew.

Mr. Alfred Hall was called in; and, having been sworn, was Examined by Mr. *James*, as follows:—

1012. Do you live at 10, Brunswick-square, Bristol?—I do. *Mr. A. Hall.*

1013. What are you by business or profession?—A glass merchant.

1014. On the 27th of April, did you attend a meeting of the Working Men's Conservative Association?—I do not know that it was the Working Man's Conservative Association; it was a Conservative meeting.

1015. Where was it held?—At St. James's Hall, Broadmead.

1016. Who presided at that meeting?—Dr. Robertson.

1017. Dr. Henry Robertson?—Yes.

1018. Was Mr. Miles present?—He was.

1019. And whilst Dr. Robertson was in the chair, did Mr. Miles address the meeting?—He did.

1020. Without going into detail, if you say it was a Conservative meeting, of course the meeting was favourable to Mr. Miles's candidateship, and resolutions were passed, I believe?—Certainly.

1021. Did you see Dr. Robertson canvassing yourself?—I did not.

Mr. *Giffard* stated that he would not ask this witness any questions.

[The Witness withdrew.

Mr. William Smallcombe was called in; and, having been sworn, was Examined by Mr. *James*, as follows:—

1022. Are you a butcher and public-house keeper, living in Milk-street, Bristol?—Yes. *Mr. W. Smallcombe.*

1023. And have you a vote for that city?—Yes, I have.

1024. Do you recollect Mr. Miles coming forward in January last?—Yes, I do.

1025. Were you requested by anyone to join this committee?—Requested by anyone?

1026. Were you asked by anyone?—Yes, I was.

1027. By whom?—By Mr. Allsop.

1028. Is that Mr. Uriah Allsop?—Yes.

1029. Did you consent or refuse?—Oh, I consented; I always have voted that way.

1030. Did you canvas any voters, or ask any people to vote for Mr. Miles?—Well, yes, I did.

1031. Was there a committee-room at 25, Pritchard-street?—Yes.

1032. Were you in the early part of Mr. Miles's candidateship, in January and February, at that committee-room?—Yes, I have been there.

1033. Have you seen Uriah Allsop there?—Yes, I have.

1034. Have you seen Mr. Alderman Woodward?—No, not at that time.

1035. Have you seen Mr. Kearsey?—Yes.

1036. A few days, two or three days, before the election, did you go to that committee-room, and did you see Mr. Uriah Allsop there?—Yes, I did.

1037. Did Mr. Allsop make any request to you to do anything?—I do not know whether that is fair or not. There are many things that may pass.

1038. You must tell me what was said, if you please?—There were many things that were talked of.

1039. Did he ask you to do anything about voters?—He might have spoken about it.

1040. Of course he might, but did he?—Well, I do not——Am I obliged to answer that question?

1041. *Chairman.*] Yes, you must answer the question.

Mr. *W. Smallcombe.*
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1042. Mr. *James.*] Did he ask you to do anything?—He said, "Use all your interest that you have for Mr. Miles," which he well knew before that I should do so.

1043. Was anything said about your getting voters to vote?—Well, I do not know.

1044. Do try to know?—There was a lot of things talked about; business things.

1045. But was there talk about getting the voters?—A lot of things was talked about.

1046. I do not want the lot, but one thing out of the lot; was anything said about getting voters?—As I said before, that I must use all the interest I have to get some voters.

1047. Let me take you to the evening before the poll; was anything said by Mr. Allsop to you, particularly the evening before the poll, about Mr. Miles, that he must get in at any price, or anything of that sort?——

Mr. *Giffard* objected to the question.

1048. Mr. *James.*] Did he say anything to you on the evening before the poll?—No.

1049. Did he not speak to you?—Yes.

1050. What did he say?—There was many things passed at that time, but I cannot charge my memory with what passed then.

1051. With none of them?—Not in particular, I cannot.

1052. Now I must ask you, whether particular or not, was anything said to you by Mr. Allsop about your paying voters?—Well, there was something.

1053. Now let us know what the "something" was?—Well, there was something said about that. "Of course there would be many people that would want some little remuneration for their votes, as working men could not lose their time to vote."

1054. Yes; go on?—That is all I know about it.

1055. But when he said that there was some wanted remuneration for their votes, what was that communication made to you for, for you to do anything about it?—Well, I do not know.

1056. But what was it that was said that you were to do, if anything, about that. Do not look at those gentlemen; you will have to tell us, and it will do you more credit to tell us at once?——

1057. *Chairman.*] It will be better not to keep us waiting?—He told me, of course I was to get as many votes as I could get.

1058. Mr. *James.*] Did he say anything to you about paying for those votes you were to get?—Well, he did.

1059. What was it he said, if you please?—Well, that was left to my own discretion.

1060. When was it this conversation took place?—It was overnight; the election was the next day

1061. The night before the poll, that is, on the nomination day?—Yes.

1062. Do you know a place called "The Stag's Head," in Newfoundland-street?—Yes.

1063. Did you, or did you not, send any voters there to have refreshment?—Yes, I sent some parties there to have some beer.

1064. Were they voters?—Yes.

1065. Can you give me the names of any you sent?—No, I cannot.

1066. By whose directions did you do that, if by anyone's?—By the direction of the committee.

1067. You must individualise, if you please; who was it gave you the directions?—Mr. Allsop was the man I had more to do with than anyone else.

1068. Let me just ask you this; you have told me that Mr. Allsop said you were to see about the voters, and that he left it to your discretion about paying; did he say anything at all about your being repaid for any money you spent?—Oh, yes.

1069. What did he say about your being repaid?—Said that I should be paid back what I paid; but I have never been paid back anything.

1070. How much did you spend?—I do not know.

1071. About?—I cannot exactly say.

1072. I do not ask you exactly; my question was carefully put, about how much?—Some pounds.

1073. How many?—Am I obliged to answer that question?

1074. *Chairman.*] Yes, certainly; if any question is put to you which you are not bound to answer we will tell you?—Between 30 *l.* and 40 *l.*

1075. Mr. *James.*] In what way did you spend that?—Oh, in different ways.

1076. We must have the "different ways;" how did you spend it?—Some had 10 *s.*, some had a 1 *l.*, and some had more, and some is not paid yet.

1077. Then those were promised, you mean, persons to whom you had given promises?—Yes,

1078. Having given them, some 10 *s.*, and some 1 *l.*, what did you give them the 10 *s.* and the 1 *l.* for?—Oh, they wanted some remuneration for their votes.

1079. And they got it?—Well, yes, they did.

1080. Those that you have paid at least have?—Well, some I have not paid.

1081. Now, I should like you to name some of these persons, begin with the lower in degree?—I cannot go into the names.

1082. But you must give me one or two of them?—But I do not recollect them, with honour I do not recollect them.

1083. Upon your oath, do you not recollect the name of one person; you paid 50, you say?—No, I did not say that.

1084. Between 40 and 50?—No, I did not say that; I never booked their names, and I do not know their names.

1085. Tell me to how many persons you gave that remuneration?—I cannot tell you.

1086. About how many?—I cannot tell you.

1087. Can you tell me within 10?—I cannot.

1088. You gave some 10 *s.*, and some 1 *l.*; how much money do you think you spent as remuneration for votes?—Well, I told you just now.

1089. But I did not know whether it was some of it in other ways?—In other ways some of it.

1090. How much did you keep for remuneration for voters?—I cannot tell you; I never booked it.

1091. Did you spend as much as 25 *l.*?—It may be.

1092. I must ask you to tell me, if you can the name of one of those persons?—Well, I do not know that I can tell.

1093. Do just try?—I do not recollect what the names were.

1094. Before you paid them, did you know they

they were voters?—I was bound to know they had a vote.

1095. Do you wish us to believe that knowing that they had a vote, you cannot tell the name of one person?—Well, I cannot charge my memory with it now what the names were.

1096. Just try; do you know a man of the name of John Taplin?—Yes.

1097. Do you recollect now the name of a man to whom you gave money?—Yes; he did not have any money.

1098. Did he have a promise?—Yes.

1099. What did you promise John Taplin?—I promised him 2 *l.* for his cart and his vote.

1100. Have you paid him?—No.

1101. Did he vote for Mr. Miles?—Yes.

1102. Was he to have the 2 *l.* if he voted for Mr. Morley?—I did not ask the question; he said he would vote for Mr. Miles.

1103. And you said that he should have 2 *l.*, for what?—For his trap and horse.

1104. What was to be done with the trap and horse?—To take up the voters.

1105. Was it used for taking up the voters?—I do not know; I saw it there.

1106. Is he licensed to let out horses?—No.

1107. Do you mean to tell us that you had forgotten about the horse and cart?—No, I had not forgotten that; but you said "the parties I had paid," and I had not paid him at all.

1108. Now whom else had you promised money to?—Well I do not know, I am sure.

1109. Forgotten them?—Yes, I have.

1110. How many do you think remain unpaid?—Well I cannot say, there are some that are not paid.

1111. About how many?—Well, there may be three or four.

1112. Do you wish us to believe that you do not know the names of those you have got to pay?—Well, I can only assure I do not know their names, and if you were to ask me for a month, I could not tell you.

1113. You did recollect Taplin's name the moment I asked you?—That is the only one I can recollect. I should not recollect that, perhaps, if you had not named him to me.

1114. I believe you there; that is the only part that we are agreed upon. Now did you go to the committee-room and tell where it was, if anywhere, on the Friday after the election?—Yes, I did.

1115. What committee-room was that?—It was the Saint Paul's committee-room.

1116. Is that the committee-room where Mr. Allsop used to be?—Yes.

1117. When you went on the Friday evening, did you see any persons paid any money?—No, I did not.

1118. Did you see any persons there applying for money?—Well, I saw a lot of people there, but I did not see them have any money.

1119. Did you hear them apply to Mr. Allsop for it?—Well, I did not hear that.

1120. Did you hear them apply to one for it?—I did not hear them ask for any money.

1121. Did you ask for any money?—No.

1122. Did you ask Allsop for some?—I went into the room afterwards, and Mr. Allsop said there was no money there.

1123. To whom did he say that?—To me.

1124. What made him say that; was it in reply to anything you said?—That was the words he said.

1125. What did you say that made Mr. Allsop say, "There is no money here"?—I of course went there.

1126. I know you were there; we want to know what for?—I was there for some money.

1127. For what purpose?—I was there to have some money there.

1128. For what purpose?—For my own purpose, of course.

1129. But what purpose was that?—For money I had paid out of my pocket.

1130. Having gone for that, did you ask also for the money?—I asked him if there was any money, and he said there was no money there, not then.

1131. Did he tell you that there would be any money there at any time?—No.

1132. Did he say anything to you about when you should have your money?—Yes.

1133. What did he say?—He said no one would be paid till 14 or 15 days had passed after.

1134. What is Allsop?—He is a cabinet maker; a large cabinet maker.

1135. Do you take any account there?—No.

1136. Did you take anything there besides yourself?—I sent there.

1137. Sent what?—Why sent my account.

1138. To whom, to Allsop?—Yes.

1139. Was that directed to anyone; was it directed to Allsop?—Yes, directed to Mr. Allsop.

1140. Now how much is Allsop indebted to you?—I do not know.

1141. You sent in an account?—Yes.

1142. How much does Allsop owe you?—Well, am I obliged to answer that question?

1143. *Chairman.*] Yes?—Well 40 *l.* or 50 *l.*

1144. Mr. *James.*] Now tell me what was in that account. Just think, you know we may have it here?—Well, that I cannot tell you.

1145. Who wrote it?—Well, my wife made out the bill.

1146. You told her what to put down?—Yes.

1147. What did you tell her to put down?—Well I have not a copy of the bill now, and I cannot charge my memory what it was.

1148. What did you tell her to put down in that account?—Well I cannot exactly ——

1149. I do not want "exactly." What was the purport of it?—Well, to make out the account.

1150. What did you tell her to put down; she did not know what you spent till you told her?—It was something considerable.

1151. Yes, we know it was. Did you charge it for so many people, or money spent, or what?—Money spent.

1152. Did the accounts show how it was spent?—No; no items were brought out.

1153. How was it put pown then?—It was put down at so much money for certain things.

1154. Now, what were the certain things?—It was for electioneering purposes.

1155. What were the electioneering purposes?—Upon my word I cannot go into that.

1156. You do recollect that much?—Yes, I do recollect that it was for electioneering purposes.

1157. What were the purposes?—The purposes were, of course, to return Mr. Miles.

1158. That is its object, I should call it How

Mr. W. Smallcombe. 20 June 1868.

did you show on this paper that it was to return Mr. Miles?—I did not show anything at all.

1159. You say that it was put down "for certain electioneering purposes;" what was put down?—I am sure I cannot tell you.

1160. Were the purposes put down on the paper?—No, I think not; I think it was put down so much for electioneering purposes.

1161. Those were the very words?—Well, I do not say; I am not sure, but as far as I can remember, that was somewhere about it.

1162. We may have the paper?—Well, you can have the paper; I cannot charge my memory with anything more correct than I am giving you now.

1163. Then Mr. Allsop told you that there was no money to be paid for 14 days; 14 or 15 days have come and gone, and you have not been paid?—No.

1164. Have you applied to Allsop again for it?—Yes.

1165. When?—Some week or a fortnight ago.

1166. What did he tell you?—To go down in Queen-square.

1167. That is, 54 Queen-square?—Yes; I would not be certain to the number.

1168. What place in Queen-square?—The Conservative Register Office.

1169. For what purpose to go there?—To see about my account.

1170. Did you go there?—I did.

1171. Whom did you see?—Well, I saw Mr. Hyde there.

1172. What took place between aou and him about your account?—Well, he did not pay me.

1173. What was said between you and Mr. Hyde about your account?——

Mr. *Giffard* objected to the line of examination, Mr. Hyde's name not being in the list at all. He submitted, that during the discussion of the question, the witness should be directed to withdraw.

The *Witness* was directed to withdraw.

Mr. *James* stated that his purpose was to prove that the act of Mr. Allsop was known to, and ratified by, the secretary of Mr. Miles's committee.

Mr. *Giffard* submitted that even if Mr. Hyde were considered as an agent, what Mr. James was endeavouring to prove, was a conversation that took place, not whilst Mr. Hyde was acting as secretary, but merely in the course of a narrative afterwards.

The *Chairman* stated that the Committee were of opinion that the question might be admitted.

The *Witness* was then recalled.

1174. Mr. *James* (to *Witness*).] Now, I think we left off that you had gone to see Mr. Hyde; what took place between you and Hyde about this account of yours?—Mr. Hyde said he could not think of paying me.

1175. When was it that he said this?—That was down in Queen-square.

1176. When was it?—I cannot tell.

1177. How long is it since you have seen Mr. Hyde?—Some fortnight ago, I suppose.

1178. Did he give you any reason why he could not pay you?—Well, he did.

1179. What was it?—He said that there was a petition going on, and no one would be paid.

1180. Ever?—He did not say when; no one would be paid.

1181. Did he say no one would be paid till any time came?—No, he never named any time at all.

1182. What did you say to that?—I thought ——

1183. What did you say?—He did not say any more than that.

1184. What did you say?—I said I thought it was wrong that I should pay my money away and have no likelihood of getting it back any more.

1185. What did he say to that?—That I had better go down to Mr. Allsop.

1186. Did you go down to Mr. Allsop?—Yes.

1187. What did you say to him?—There was no money there.

1188. How did you find that out?—I said, I had been down in Queen's-square, and there was no money to be had there, and I was to apply to him; if any one was to pay me, he was to pay me.

1189. What did he say?—He said that he had paid enough himself.

1190. Did he say anything about the petition?—No, he did not say a word about the petition. He said, "I am enough out of pocket myself."

1191. Have you seen Mr. Danger at all?—Yes.

1192. When did you see him?—Last Saturday.

1193. What passed between you and him?—Not much.

1194. That is the very reason we like to have it?—Well, I do not know. I cannot go into that at all.

1195. Never mind Mr. Danger; tell me, did Mr. Danger say anything about your going out of the way?—Well, Mr. Danger said it would be as well if I went out of the way.

1196. Out of danger?—Yes.

1197. What else did he say; he is in the room to hear you?—He did not say anything particular.

1198. We will judge if it is particular?—He thought it would be as well if I was not up here to be put in the witness box.

1199. What else did he say?—I cannot recollect all he said; I was there a few minutes only.

1200. Did he say anything to you at all; if so, tell us what it was?—Well, he did not say anything more than that; and I wished him a good afternoon and left.

1201. Were those the only words?—What I can charge my memory with.

1202. Do try and charge it more?—I cannot charge it more than that?

1203. Was anything said as to any place you could go to?—No.

1204. Or to funds to which you could go?—No.

1205. When he said you had better keep out of the way, what did you say?—It would have been for me to put my hand in my own pocket, and pay my own expenses, for there was no money offered me there.

1206. Did you meet Mr. Danger by accident, or did you go by any request?—I went there.

1207. What

1207. What made you go there?—Merely to see Mr. Danger.

1208. At his office?—Yes.

1209. For what purpose? — No purpose in particular, only to see him.

1210. What for? — I suppose to have his opinion about what I had better do.

1211. Had you notice to attend then?—No.

1212. The Speaker's warrant?—No.

1213. How did you know you were coming here?—I did not know I was coming, but I heard I might.

1214. And then you went to Mr. Danger, and asked him?—Yes.

1215. Do you know a man named Henry Brittain, a clerk in Mr. Miles's bank?—No, I do not.

1216. Do you know any of Mr. Miles's clerks?—No.

1217. Do you know a man of the name of Charley?—No.

1218. Do you know a man named Mark Butt?—Yes, I do.

1219. What is he?—He keeps a public-house.

1220. Did you see him at any of these committee-rooms?—Yes, I did.

1221. Which committee-rooms?—St. Paul's.

1222. When did you see him there?—I saw him there the night before the election.

1223. Did you see him there on the day of the election at all?—Yes.

1224. What did you see him do in the committee-room?—I did not see him doing anything in particular.

1225. You have used that word "particular" so often?—But he was not doing anything.

1226. Was he sitting down?—Sitting down and walking about, and talking, and up to the polling booth.

1227. Did you see him taking voters to the polling booth?—Well, I believe I did.

1228. From the committee-room?—Yes.

1229. Mr. Uriah Allsop was at that committee room, was he not; is that the committee-room at which you saw Mr. Uriah Allsop?—Yes.

1230. Did you see Mr. Mark Butt whilst Mr. Uriah Allsop was in the committee-room?—O yes; there at the same time.

1231. Did you see him there whilst Alderman Woodward, the chairman, was there?—Well, I do not know whether Alderman Woodward was there or not.

1232. Have you seen Alderman Woodward there or not?—Yes.

1233. What have you seen him doing?—Is that Alderman Woodward, at the vinegar works?

1234. Yes; what have you seen him doing there?—Nothing at all.

1235. Have you seen him sitting at the top of the table?—Yes, I think I have seen that.

1236. You have seen a chairman in your days; was he sitting as chairman or not?—Yes, I think so.

1237. Have they any vice-chairman there; did you see Mr. Allsop sitting at the bottom of the table?—Yes, I have.

1238. Did you see any gentleman, I think you know him, called William Kearsey?—No, I do not think I know him.

1239. Did you take any voters to have any refreshment during the day?—Yes; took them up to the committee-room, in and out at the other place.

1240. Let me have the name? — In Milk-street, the "Stag's Head;" they had some beer there.

1241. Now, first tell me about the "Stag's Head?"—Well, I do not know any more about it than what I have told you.

1242. What had they there?—They had some beer there, and some ham there.

1243. Was there refreshment laid out?—Well, there was, I believe.

1244. What did you see there?—Some beer and porter.

1245. Where was the beer served out?—Over the bar.

1246. Who paid for it?—No one.

1247. Do I understand you, then, that if any one went to the bar, and asked for beer, they could get it?—Yes.

1248. Could they get it without paying?—Yes; I could get credit for beer.

1249. Did they book the amount of beer you had?—I suppose so.

1250. Have you paid for it?—No.

1251. Have they applied to you to pay for the beer?—No, they have not.

1252. And you do not expect them to apply?—No, I hope not; if they do I suppose I shall have to pay.

1253. Did you see other persons getting beer in the same way besides yourself?—Yes.

1254. Did you hear anybody ask for beer and be refused?—I did not see anybody refused beer.

1255. How much beer was paid for at the Stag's Head?—I saw a great deal of beer that was paid for and a great deal of beer that was not paid for.

1256. Will you tell me the name of any one voter that paid for beer?—Yes, myself.

1257. At the "Stag's Head"?—Yes.

1258. How much did you pay for?—A gallon, I think.

1259. How much did you have without paying for?—I cannot say.

1260. More than a gallon?—I am not a very great drinker.

Cross-examined by Mr. *Giffard*.

1261. Have you been engaged in electioneering before?—No.

1262. Never?—Never.

1263. Take care?—I might at Weymouth.

1264. How long ago was that?—Some three or four years ago.

1265. You know you came here to be examined as a witness, and you know you swore to tell the whole truth?—I did not know it till Thursday I was coming here.

1266. Do you mean to swear to the Committee that you were unwilling to answer Mr. James's questions?—I do not know I am sure.

1267. Had you given Mr. James's attorney a statement of what you could prove?—No.

1268. Did you make a statement to the attornies here who are conducting this petition, which they took down in writing?—No.

1269. That you swear?—Yes.

1270. Did you see anyone on their behalf?—Well, I saw a person that came to me.

1271. Whom you knew to be either a clerk or a person in their house; come, answer?—That I do not know.

1272. Do not you believe it?—No.

 1273. You

Mr. *W. Smallcombe.*
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1273. You believe he was not a clerk?—I do not know what he was.

1274. You will have to answer?—I will answer as far as I am able.

1275. Who was that person?—I do not know.

1276. Did you never know his name?—No, never.

1277. When was it you saw him?—Well, I saw him two or three times; the same person.

1278. Where did you see him?—Saw him in Broad-street.

1279. Whereabouts in Broad-street?—I cannot go to the inch where I saw him there; it is not a very large street.

1280. Broad-street, Bristol? — Broad-street, Bristol.

1281. Whereabouts; was it Taylor's-court?—I do not know whereabouts it was.

1282. Was it at a house?—No, not at a house; in the street.

1283. Where did you see that person next?—Well, I do not know; I think I have seen him here.

1284. Do you believe that to be the gentleman (*looking towards a gentleman*)? — That young gentleman?

1285. The gentleman shook his head and made signs to you?—I did not see him do so; that is the gentleman I saw here and saw in Broad-street.

1286. How often have you seen him?—Twice.

1287. When did you first see him?—I do not know when.

1288. About when?—Some time last week.

1289. Did you tell him what you told my friend to-day?—No, I did not.

1290. Did you tell him anything?—No, I did not.

1291. Not at all?—No, I did not; I told him nothing.

1292. Did you see any other gentleman?—No, I did not.

1293. You have told us of a conversation which took place between you and Mr. Allsop, and I think you say that at that time no one else but you and Mr. Allsop was present?—Well, there were not many people about there. His clerk was there on some occasions.

1294. Mr. Allsop and you had a conversation when you two were alone, about which my learned friend has been asking you to-day; now what I propose to ask you is this, Can you at all tell how my learned friend knows that conversation?—Well, I cannot tell; I think there must be some great traitor in the camp.

1295. Unless Mr. Allsop has told him?—Well, I do not know how they got at it.

1296. Now, tell me where you saw that gentleman over there a second time?—Up here.

1297. Where?—Twice in Bristol, and I saw him here yesterday when I came up here.

1298. Where did you see him a second time in Bristol?—Well, I think it was in Broad-street.

1299. In the street again?—Well, I think so.

1300. Do you mean to swear that you do not know whether it was in the street?—Well, I do not know more than I am telling you. I believe it was in the street; I would not be certain.

1301. I understand you to say now upon your oath that you are not certain whether it was in the street or not?—Well, I have told you; I am on my oath.

1302. And you are not certain?—I am not certain.

1303. On the second occasion what passed?—Nothing passed in particular.

1304. Tell us what passed in general?—I do not know what did pass; "good morning," or something of that sort.

1305. Do you mean to swear that you do not know what passed between you?—I do not mean to swear that at all.

1306. Then tell us what did pass?—I cannot tell you what did pass; I cannot charge my memory with it.

1307. You are on your oath?—I really cannot charge my memory with what did pass; it was nothing particular did pass, I am satisfied.

1308. Was anything said about you being a witness on this petition?—Well, there was.

1309. What?—That I should have to attend.

1310. What did you say?—But I had the subpœna then, when I saw that gentleman there.

1311. Did you tell my learned friend that when you saw Mr. Danger, you had not got the subpœna?—I did tell you that I had not got the subpœna when I saw Mr. Danger, neither had I had it.

1312. Just tell us what did you say then?—I said, "Well, if I have got to attend, I must, I suppose," and he said, "You will have to be there at 11 o'clock to-morrow morning," and I said, "That is impossible to be there at 11 to-morrow morning."

1313. And anything else?—No.

1314. He did not ask you what you could prove?—No; and I do not know that I could prove anything here at all.

1315. On the former occasion, or the latter occasion, did anything pass between you as to what you could prove?—Nothing named as to what I could prove at all; but I had a subpœna when I saw him the second time.

1316. Did you ever see the second gentleman over there?—Never in my life.

1317. Have you seen any person connected with the attornies, except the gentleman at the end of the table?—I have seen him.

1318. Is that the only one?—The only one that I know anything of.

1319. Do you mean to tell the Committee that?—I do mean to tell the Committee that that is the truth.

1320. Have you given in a statement to any person whatever, for the purpose of showing what you can prove?—No; I have never wrote any statement.

1321. I did not say write, and you know that very well. Have you made a statement to any person telling him what you could prove?—No.

1322. Why did you say "never wrote," just now?—Because I did not write, and have not made any statement to no one.

1323. Is it the fact that you have never told anyone till you told the Committee to-day about these conversations with Allsop?—No one ever knew anything about it, no more than Mr. Danger.

1324. To no one else but Mr. Danger have you ever communicated the facts that you spoke of?—No.

1325. That you are quite sure of?—Quite. Mr. Danger is the only man I ever spoke to about it.

1326. You claimed, I think, from Mr. Miles, did you not, a sum of 39*l.*?—£. 39 10*s.*, I think.

1327. Your

1327. Your memory is very good. I put it to you, you said that you had spent that, did not you?—Well, I believe the biggest part of it has gone; what has got to go, and what would have gone.

1328. Did you say that you had spent that money?—It is not all paid.

1329. I am asking what you said?—Well, I did say so.

1330. And was it true?—It was true. There is more to pay, and I told Mr Danger so.

1331. Is it true that you paid 39*l.* 10*s.* or not?—Well, I paid some part of it; the biggest part of it.

1332. Is it true that you paid 39*l.* 10*s.*, or not?—I do not know; I never kept no account.

1333. Tell me this; where did you get the money?—I let my house; I let my business about a fortnight before.

1334. Where did you get the money?—I got it there.

1335. In your house?—Yes.

1336. Did you keep it locked up in your house?—No.

1337. Where had you it?—I had it in my pocket.

1338. £.39 10*s.*?—Yes; I have had more than that.

1339. But, on the day of the election, do you mean to tell the Committee that you had 39*l.* 10*s.* in your pocket?—No, I do not mean to say I had, or had not; I may have had 40 or 50 sovereigns there.

1340. Do you believe that you had?—I believe I had as many as 45 there; half sovereigns, silver, and sovereigns.

1341. And, as I understand, on the day of the election, you either paid, or promised to pay, the sum of 39*l.* 10*s.*?—I do not know how much I paid.

1342. Is it the fact that, on the day of the election, you either paid, or promised to pay, the sum of 39*l.* 10*s.*?—I paid, and promised to pay, a lot of money; I would not be certain how much.

1343. Is it true that you paid, or promised to pay, a sum of 39*l.* 10*s.* on the day of election?—That is my account that I sent in.

1344. Was that account true?—I believe so, to the best of my recollection.

1345. You now say, that you believe you had at least 45 sovereigns in your pocket?—I believe I had.

1346. Why did you not pay the 39*l.* 10*s.* then?—Because, as people were satisfied with a promise, that was sufficient. It was not Mr. Miles's money; it was my own money.

1347. Tell me how long you had been in Bristol?—I do not know. I have some property there. I have been living there for many years.

1348. How long had you been living in Bristol before the day of the election?—I was there, I think, about a few days.

1349. Where had you come from?—Well, I do not know where I came from; I came from Wales the last place.

1350. Whereabouts in Wales?—Newport, where I should be to day if I had not been here.

1351. Did you come to Bristol for the purpose of the election?—Not particularly. My wife wrote and told me that the election was coming on.

1352. What did you come to Bristol for?—Business.

1353. What business?—Why the election.

1354. Why did you not answer at once?—I came for that, or I should not have been there then, although living there.

1355. You came to Bristol for the purpose of the election?—Yes.

1356. When you claimed the 39*l.* 10*s.* did you mention a Mr. Canning as the gentleman who had given you orders?—Well, I did, but I did not know Mr. Canning.

1357. Did Mr. Danger fetch Mr. Canning and confront you with him, and did you then admit that it was not true that Mr. Canning had given you orders?—I tell you that Mr. Danger heard what I said. I was in the room before Mr. Canning came in, and Mr. Canning said, "I have not seen you at all," and I said, "No, but I was given to understand that was the gentleman; that it was Mr. Canning down at the committee-room," and Mr. Danger heard it all. I said, "No, if this is Mr. Canning, this is not the gentleman I have seen."

1358. But before you had seen Mr. Canning you told Mr. Danger that it was Mr. Canning who had given you the orders?—Yes, and I did not know but what it was.

1359. Did you tell Mr. Danger before Mr. Canning came in, as a reason for claiming this 39*l.* 10*s.*, that you had received directions to pay it from Mr. Canning?—Well, I understood——

1360. Did you tell Mr. Danger before Mr. Canning came in, that your reason for claiming that money was, that Mr. Canning had given you directions to pay it?—No, I did not.

1361. Or anything to that effect?—No, I did not. I said that I had been down to see Mr. Canning, and I explained the matter to Mr. Danger afterwards. The party that was there was Mr. Hyde that I saw, and I thought that that was Mr. Canning but I was not aware, and I said that I believed that I saw Mr. Canning down there, and instead of that it was explained when I saw Mr. Canning. I said, "You are a different gentleman to what I saw down there." That is what I did say.

1362. What I want to know is, before you were confronted with Mr. Canning whether you said that you had received your orders from Mr. Canning?—No.

1363. What had you said?—I said that I believed I had seen Mr. Canning down there, and he told me that no one would be paid, and instead of its being Mr. Canning it was Mr. Hyde.

1364. Did you not tell me, not five minutes ago, that you mentioned Mr. Canning to Mr. Danger as being the person who had given you the orders?—Well, I was not aware but that it was Mr. Canning, and that I believe Mr. Danger knows as well as myself.

1365. Is it true that you mentioned Mr. Canning as being the person who had given you orders?—I did name Mr. Canning.

1366. As being the person who had given you orders?—No.

1367. Did you not say so to me just now?—No, I never said that. I do not mean to say that ever I said that Mr. Canning gave me any orders. If I have said so it was a momentary thing, and I said it without a thought.

1368. You had gone to Mr. Danger to claim this 39*l.* 10*s.*?—No, but Mr. Danger said to me, "I should

Mr. *W. Smallcombe.*

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"I should think you ought to be looking out for your money." I believe that was his words. I never asked Mr. Danger for a penny.

1369. Is it the fact that you mentioned to Mr. Danger that you claimed 39*l.* 10*s.*; and is it the fact that you said to Mr. Danger that you claimed that 39*l.* 10*s.* because Mr. Canning was the person who had given you the order?—No, I did not. I said Mr. Allsop was the man, and if you will ask Mr. Danger he will tell you so too. That Mr. Allsop was the man who gave me all the——

1370. I do not want that?—

Mr. Serjeant *Ballantine.*] Go on with your explanation.

1371. *Chairman.*] Answer the question plainly if it is put to you, and explain afterwards?—Well, I will if I can. I am willing to give all the information fairly if I can.

1372. Mr. *Giffard.*] Where was the money when you were in Newport; I mean where was the 45*l.* or 50*l.*, the money you had in your pocket on the day of the election; did you bring it from Newport with you?—No.

1373. Where was it?—At home.

1374. Did you keep a banker's account?—I have kept a banker's account.

1375. Had you at that time a banker's account?—No.

1376. When did you last have a banker's account?—Sometime, I think, in March I had a banker's account. I do not know that there is a banker's account now.

1377. Who is your banker?—The West of England.

1378. The West of England Bank, in Bristol?—Yes.

1379. How long had that sum of between 45*l.* and 50*l.* been in your house at Bristol, at the time when you came from Newport?—Well, a great deal of it came back from Newport with me; some of it was there in the house.

1380. How long had you been in Newport, at that time, I mean?—I had been there, I should think, four or five hours when I left.

1381. Where had you been before you had been to Newport?—To Swansea.

1382. Where had you been before you came to Swansea?—I had been no further than that, not then; that is where I should have been to-day if I had been down there, in that part; that is where I go for my brother, often, for orders.

1383. How long had you been in Wales at the time of the election?—Well, I had been down there, I think, at Swansea, one day, and back again the next day; I think it was that.

1384. How long had you been in Wales at the time of the election?—I do not know how long I had been there; it was no longer than that I think.

1385. Where had you been before?—They say about my being in Jersey, but I had not been in Jersey; there was some little thing——

1386. How long had you been in Wales?—Down there one day, and, I think, back again the next.

1387. Before you had been to Wales, where had you been?—Many places; I had been about before.

1388. *Chairman.*] We must ask you to answer. Think for a moment, and answer plainly?—I had been nowhere but Bristol; I hard left Bristol; I had had something a little unpleasant there, and people thought I was gone to Jersey, and instead of that I was gone to Wales.

1389. Mr. *Giffard.*] When did you leave Bristol?—On the Monday, I think it was.

1390. And when did you come back to Bristol?—Well, I came back on the Tuesday night, and went up and had some supper at the committee-room.

1391. That is to prove treating, I suppose?—Yes.

1392. That is your object in mentioning that, to prove treating?—No; I was asked to come and have some supper, and I had.

1393. Tell me how you came to Bristol?—You shall have it all out now.

1394. I thought you said that your wife had sent a letter telling you that the election was about to take place, and that was how you came to Bristol?—That the polling would take place on the Wednesday, and that was how I came back.

1395. Do you mean that when you left Bristol on Monday you did not know that the election was going to take place?—Well, I had some idea that it would.

1396. Do you mean to tell the Committee the story that you first told them, that you were at Newport and got a letter from your wife, and learned that the eleetion was to take place on the Wednesday, and that was the reason why you came back to Bristol?—That is the reason why I come back. I should not have been back for another day or two, perhaps, if it had not been for that letter. I believe I can show you the letter.

Re-examined by Mr. Serjeant *Ballantine.*

1397. Show me that letter?—I believe I have got it. I will show you all I have got here. (*The Witness examined a number of letters.*) No, I have not got it; I thought I had.

1398. What was this little unpleasantness that took you away from Bristol?—Well, the fact was, that I owed some money, and I was not able to pay it all down at that time.

1399. Well that is an unpleasantness, and that was the reason you went?—That was the reason I went.

1400. And there is no charge against you of any kind?—Nothing whatever.

1401. Now I am going to ask you, reminding you that you are upon your oath here, is there any truth in the suggestion that you are a traitor, and have come here to betray your party?—Never; I am no traitor.

1402. Or in the statement that you have only been appearing to be unwilling to give evidence here; is there any single word of truth in that?—Not one word of truth.

1403. And have you, upon your solemn oath, ever given the least information to the opposite party?—No.

1404. My learned friend did not press you after you made a very kind offer: "Well, if you want it, you shall have all of it out." Now let us have it?—Well, I have given it all.

1405. No, there is something more. What did you mean when you said to my learned friend that he should have it all out?—Well, lots of little things I have not named.

1406. What kind?—They have charged me with knowing and conspiring against Miles; I have

Mr. *W. Smallcombe.*
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have not said about the committee what they have done at all.

1407. What did the committee do?—Well, nothing at all.

1408. Let us know what the "little things" were?—I have given the evidence, as far as I can give it.

1409. Tell us the "little things"?—There are many little things that I cannot charge my memory with.

1410. What did you mean by saying, "You shall have it all out"?—That he should have it all, and I have given it all out.

1411. What were the "little things" that the committee did?—That is all.

1412. Since the the election, have you frequently seen Mr. Danger?—No, I have never seen him but once.

1413. Have you seen Mr. Allsop?—I have, repeatedly.

1414. What for?—Well, on those occasions—

1415. Upon what occasions?—Why, money matters; to know when I was to have my money.

1416. Have you had any quarrel with him?—No.

1417. Or with Mr. Danger?—No.

1418. Or with Mr. Hyde?—No; only I told Mr. Hyde——

1419. Are you quite sure that you told Danger that it was Allsop who employed you?—I did.

1420. What did Danger say to you?—Well, he said it would be injuring Mr. Allsop, perhaps, if I was put into the witness box.

1421. Perhaps he told you why?—He did not assign a particular reason, but he said my evidence would not alter the case with Mr. Miles much; he said he did not think it would.

1422. Now, you say that you first mentioned a person of the name of Canning as being the person with whom you had had some communication?—Yes.

1423. When he was presented to you, you saw that it was not the same gentleman?—Yes.

1424. When did you learn that it was Hyde?—Saturday.

1425. How?—I knew it must be Hyde or Canning, and it was represented to me as Canning; and I said to Danger, "I saw Canning down there"; and when I saw Canning, I said, "This is not the gentleman I had seen there."

1426. Are you a native of Bristol; do you live in Bristol or Wales, or where?—I live in Bristol.

1427. How long have you lived there?—Backwards and forwards, this 25 or 26 years.

1428. Have you been active in any other elections?—Not in Bristol. I always voted for the Tories.

1429. You are a good Tory?—I am.

1430. A good Tory and no traitor?—Well, I am no traitor.

[The Witness withdrew.

Mr. JOHN LATHAM was called in; and, having been sworn, was Examined by Mr. *Norris*, as follows:—

Mr. *J. Latham.*

1413. Do you live in Bristol?—Yes.

1432. Where do you live?—13, Cumberland-street.

1433. What are you?—A bootmaker.

1434. And a voter for the city of Bristol?—I am.

1435. Do you know a man of the name of Henry Brittain?—I do.

1436. Do you know what he is?—A banker's clerk.

1437. What bank?—Miles's bank.

1438. John William Miles, of course?—He is a partner in the firm.

1439. How long have you known Brittain as a clerk in Miles's Bank?—Four or five years.

1440. Did you see Brittain canvassing at all at the election?—He canvassed me.

1441. Who with him?—Mr. Allsop.

1442. That is Uriah Allsop?—It is.

1443. Did they canvass in your district; Brittain and Allsop together?—They did.

1444. You saw them canvassing other people beside yourself?—Yes, canvassing each side of the street.

1445. One with a book?—Yes, Mr. Allsop had a book and Mr. Brittain had a card.

1446. Left you a card?—No, he did not leave me a card.

1447. They were blue cards, I suppose?—Yes. Mr. Allsop said that he called merely out of compliment.

1448. You saw them on several occasions canvassing, I believe?—Yes, I saw them two or three times.

1449. From day to day?—Two days I saw them, I think. I am not quite sure.

1450. And the day of the election they were very vigorous in their work?—Yes, doing the same as other committee men.

[The Witness withdrew.

Mr. JAMES DAVISON WADHAM was called in; and, having been sworn, was Examined by Mr. *Norris*, as follows:—

Mr. *J. D. Wadham.*

1451. YOU are the Deputy Sheriff?—I am.

1452. Do you produce the register of voters who voted for the city of Bristol at the last election?—I have handed it to the committee clerk.

[The Witness withdrew.

[Adjourned to Monday next, at 12 o'clock.

Monday, 22nd June 1868.

EDWARD HOWES, Esq., IN THE CHAIR.

The Names of the Members were called over:—All present.

Mr. Alfred Davis was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

Mr. *A. Davis.*
22 June 1868.

1453. Are you No. 6,543 upon the Register of Voters for Bristol?—I am.

1454. Do you know a person of the name of Horder?—I do.

1455. Did you see him on the morning of the election, on the morning of the polling?—I did.

1456. Did he speak to you about your vote?—He asked me who I was going to vote for; I told him I thought I should vote for Miles.

1457. What did he say upon that?—He said, "Wait a little; there will be a day's work for you;" or something to that effect.

1458. Did you afterwards go to the committee-room in Pritchard-street?—I did.

1459. With Horder and a man named Pope?—Yes.

1460. And had you anything there?—I had a bottle of porter and other refreshments.

1461. Did you pay for that?—I did not.

1462. Do you know who did?—No I do not.

1463. Have you never paid for it?—No.

1464. Did you go out of the committee-room, and afterwards meet Woods?—I went out of the committee-room, and met Woods in St. James's Churchyard.

1465. Was he alone?—Several other voters with him.

1466. What took you to St. James's Churchyard?—I went with Mr. Horder from the committee-room.

1467. Do you mean that Horder took you there?—Yes.

1468. Did you speak to anyone there?—No; I did not know anybody in the committee-room, with the exception of a Mr. Ford.

1469. Did you, then, go back to the St. Paul's committee-room?—Yes.

1470. Had you some more refreshments?—Yes.

1471. Did you pay for it?—No.

1472. Did you then vote for Miles?—Yes.

1473. In company with whom?—Strangers; I do not know who they were.

1474. Did you go to the horse fair?—Yes.

1475. Did you meet Woods and Horder?—I met Woods and Horder in the horse fair.

1476. Did you receive any money at any time that day?—I received 10 *s.*

1477. When?—About 3 o'clock.

1478. Was that before you voted?—Yes, before I voted.

1479. From whom?—Mr. Woods.

1480. What for?—He did not say what it was for.

1481. I dare say that you hardly knew what it was for?—He gave me 10 *s.*, and said, "Get a glass of something to drink."

1482. Nothing to do with your vote, I suppose?—I considered it was to pay me for my day's work.

1483. Do you mean voting?—For my loss of time that I lost on the day of election.

1484. You considered that it was to pay you for your day's work, did you?—Yes.

1485. At all events you voted for Miles?—I did.

Cross-examined by Mr. *Matthews.*

1486. Is this the first time that you have voted?—Yes, it is.

1487. How long have you been in Bristol?—About three or four years.

1488. And what are you?—I keep a general shop.

1489. Had you any previous acquaintance with Mr. Woods?—I had seen him upon several occasions.

1490. Had you ever spoken to him before?—Yes.

1491. Where?—Well, he has called at my shop, wanting to do business with me.

1492. Did you ever do business with him?—Never.

1493. Do you mean wanting to sell you goods?—Yes.

1494. No other acquaintance with him than that?—None whatever.

1495. Who was with you when you received the 10 *s.*?—I cannot tell the name of the party.

1496. Half a dozen people?—No, only one; Mr. Woods changed a sovereign, and he gave me 10 *s.*, and I believe he gave another man 10 *s.*

1497. Was the man who was with you a Bristol man?—I do not know, I am sure.

1498. Did you meet Woods by appointment or by accident?—By accident.

1499. You are a Conservative, as I understand?—No, Sir, I am a Liberal.

1500. You told Mr. Horder that you were going to vote for Mr. Miles?—I told him I thought I should vote for Miles.

1501. Who was at breakfast when you went and had the porter?—I had no breakfast.

1502. Who was in the room?—Several gentlemen there; I do not know; I should think 20 or 30.

1503. Were

1503. Were they having some refreshment there?—Yes.

1504. And a number of people coming in and out?—Yes, in and out.

1505. Was this called a committee-room?—The committee-room in Pritchard-street.

1506. Refreshment on the table, and those who came in and out were taking it?—That was it.

1507. Did anybody ask you to sit down?—There was somebody there to help everyone.

1508. A waiter?—Yes.

Re-examined by Mr. Serjeant *Ballantine*.

1509. Did you see anybody pay?—No, I did not.

1510. Did you see people having refreshment there, and go out without paying besides yourself?—Yes.

1511. Many?—Yes.

1512. Anybody who liked could have it, I suppose?—Yes.

1513. Did you see any you knew to be voters there, having refreshment?—I saw a Mr. Pope there, and Mr. Horder.

1514. And there were other people you did not know?—Yes.

1515. My learned friend asks whether you met Woods by accident; I understood you to say that Horder took you?—Horder took me; I did not know I was going to meet Woods.

1516. You knew you were going to meet 10*s.*?—I did not know the amount.

1517. About your shop; have you anybody to take care of it besides yourself?—My wife.

1518. You know you did not lose any work by that day; I suppose your wife attended to your shop?—Well, she attended to it.

[The Witness withdrew.

Mr. *A. Davis.*

22 June 1868.

Mr. William Edward Mills was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

1519. What number are you on the Register?—Well, I do not know what number.

1520. Then I will find out in some other way; did you vote upon the last election?—I did.

1521. For Mills?—For Mills.

1522. Did you get any money?—Yes.

1523. How much?—Half a sovereign.

1524. From whom?—Mr. Woods.

1525. Before or after you voted?—Before.

1526. Did you get anything to eat or drink?—No.

[The Witness withdrew.

Mr. *W. E. Mills.*

Mr. Samuel Guppy was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

1527. Do you live at Marlborough-street in Bristol?—Yes.

1528. Are you a voter for Bristol?—I am.

1529. And did you vote upon the last election?—I did.

1530. Three or four days before you voted, did anybody canvass you?—Dr. Robertson and another gentleman; who that gentleman was I do not know.

1531. Canvassed you to vote for Mr. Miles?—For Mr. Miles.

1532. Did you promise to vote for him or not?—I did not.

1533. Did you see Dr. Robertson and this gentleman canvass other people?—No; I have seen them go to houses, but did not hear them.

1534. Had either of them a book in his hand?—I would not be positive.

1535. Do you recollect the day of the polling?—On a Wednesday.

1536. Did you see Dr. Robertson that day?—In the evening after the polling was closed.

1537. Where did you see him?—In Marlborough-street.

1538. With whom?—With a gentleman, arm in arm.

1539. And did you see where he went to?—Went to Mr. Horder's.

1540. Did he go in?—Well, he did go in.

1541. Did he remain any time?—No; I suppose not a minute.

1542. After leaving Horder's, where did he go to?—Went towards home; he passed our house.

1543. Horder's is a beershop, is it not, a public-house?—A general grocery shop besides beer.

1544. Now, after he, Dr. Robertson, had been into Horder's, did you see anything take place at Horder's?—I saw Horder bring out a half a gallon can of beer and hand it to young Pope.

1545. Immediately after Dr. Robertson had left?—Just so.

1546. Did you get anything for voting?—No.

Cross-examined by Mr. *Matthews*.

1547. Did you see a number of other people canvassing besides Dr. Robertson?—Not particular; he called at our house twice.

1548. Did you see others besides Dr. Robertson canvassing?—Only the one with him.

1549. Did not you see other people canvassing besides those two?—Not at our house.

1550. At other houses?—No; you see my business keeps me at home.

1551. What parish do you live in?—St. James's.

1552. Are there a number of voters for your parish?—There are.

1553. Do you not know that there were a great number of people canvassing on both sides?—There were, but I cannot say who they were, or where they went to.

1554. There were a great many people canvassing on both sides in that parish?—Oh, yes; they were canvassing there.

[The Witness withdrew.

Mr. *S. Guppy.*

Mr. GEORGE MAGGS was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

Mr. *G. Maggs.*

22 June 1868.

1555. ARE you a voter for Bristol?—Yes.

1556. And you live at Marlborough Hill, do you?—Yes.

1557. Number 973 upon the register?—Yes.

1558. Did you act for Mr. Miles during the election?—I did.

1559. Who employed you to do so?—Well, I went to volunteer on my own account.

1560. Whom did you volunteer to?—To the committee of St. James's generally.

1561. You went and offered yourself to the committee of St. James's generally, did you?—Yes.

1562. Who was chairman of that committee?—Dr. Robertson.

1563. Did Dr. Robertson hear you offer?—Well, I believe he did.

1564. Have you any doubt that he did?—Well, I have no doubt he was aware of my intention in offering.

1565. Did he hear you offer?—No question he did.

1566. Why did you make a question about it just now?—Well, I did not.

1567. What did you do?—Acted as one of the clerks.

1568. Where?—To the committee.

1569. The St. James's committee?—Yes, under another.

1570. Who was that other?—Barry.

1571. You acted as clerk under Barry in the committee?—Yes; considered myself as his assistant.

1572. That is the agent from Bath?—Yes.

1573. What had you to do?—Any writing that the other could not do.

1574. Was there any writing?—Plenty.

1575. What did you get?—Nothing at that time.

1576. Of course not at that time; what did you get?—I got my regular day's wages.

1577. What did you get?—Five shillings a day.

1578. Is that all?—That is all I have got.

1579. You mean that that is all you have got from anybody during the election?—That is all I have got from anybody during the election.

1580. Who paid you that?—Some boxmaker in Barr's-lane, Bristol.

1581. What is his name?—I forget his name.

1582. Did you know of Dr. Robertson canvassing?—I was aware Dr. Robertson was canvassing.

1583. Did you see him canvass?—He called with others at my house.

1584. Was that while you were acting as clerk at 5*s.* a day?—No; long before the election.

1585. Did you see him go to other places?—No, I did not go about.

1586. Did you see him go to other places?—I did not see him.

Cross-examined by Mr. *Matthews.*

1587. You were underclerk and messenger, were not you?—Well, you may call it so; as clerk I considered myself.

1588. Were you keeping up canvassing books, and doing writing all the day?—Yes, that was it.

1589. You were at work?—Yes.

1590. Were you in the committee-room a greater part of the day?—All day I may say.

1591. If anyone had come in there and asked Mr. Barry for money, must you have seen him?—Decidedly so.

1592. Did you see anything of the sort happen?—There were parties came in, and asked Mr. Barry for money, but in the shape of wages.

1593. You mean for work that they had done?—For work that they did and had done.

Re-examined by Mr. Serjeant *Ballantine.*

1594. My learned friend has been more successful than I have; you must tell me a little more about this money that Barry was paying in the shape of wages?—Pray ask me what you wish to know.

1595. I am asking you what I wish to know, and I mean to learn?—I have told you all I can tell you.

1596. No, you have not; what do you mean by "money in the shape of wages"; what passed?—Ask me a question, and I will answer it.

1597. How much money did you see Barry pay?—I never counted money after him.

1598. About how much?—I have no idea how much.

1599. Can you give the Committee a notion; 50 *l.* or 60 *l.* in the course of a day?—Nothing of the sort.

1600. £. 30 or £. 40?—No.

1601. £. 25?—I have no notion, I was engaged in writing; I merely saw men come in and receive a few shillings and go. I had something else to do than mind these people.

1602. When the people came in, did they ask for something in the shape of wages?—I know not what they said, or what they did.

1603. Yes you do; you told my learned friend that people came and asked for something in the shape of wages; what did they say?—I cannot say.

1604. Did they say "give me 5*s.* in the shape of wages?"—They did not ask for any set sum.

1605. Barry guessed it; Barry knew by intuition what the wages were?—I have no idea at all.

1606. About how much was it; was it silver or gold that they got from Barry?—Barry had silver and gold with him.

1607. Was it silver or gold that Barry paid these gentlemen, in the shape of wages?—Mostly silver.

1608. Sometimes gold?—I am not aware particularly; I do not remember seeing gold pass from anyone.

1609. What do you mean by "mostly silver"?—I mean most that I saw.

1610. How many did you see receive silver?—I did not count them.

1611. About how many?—Two, or three, or five, I cannot tell.

1612. Or a dozen?—It may be so.

1613. Did Barry ask them any questions?—He talked to them.

1614. What did he say?—I have no idea or recollection; I had no idea of being called upon, to answer such things.

1615. You know it is your own counsel, who wants you to tell everything. Out with it for his

his sake, do not disappoint my learned friend?—Nor you neither.

1616. You are not disappointing me?—I know I am, and I do not believe all you say.

1617. How do you know that it was in the shape of wages?—Because the men had asked.

1618. But you said, you did not hear what they asked?—When I answered just now, I said I did not hear what they asked about the money, and whether they asked for 15 *s.* or 20 *s.*

1619. Then you did hear what they said?—I merely understood that they came there to be paid for their work.

1620. Did you hear them say so?—Decidedly so.

1621. What were the words they used?—I cannot tell.

1622. You heard them?—I heard them certainly.

1623. What was it you heard?—They merely said, "I want to be paid for my day's work," or something to that effect.

1624. Just attend to me. You told us at the very beginning, that you have put no trust in us?—I did.

1625. You are a thorough Tory, are not you?—An out and outer.

1626. Out then with your evidence, if you please; tell us what you heard?—About what, and in what respects.

1627. No shuffling please?—I have no shuffling.

1628. Be good enough to answer my question?—Be good enough not to call me shuffling. I will have you to know, I have as little shuffling in my department, as you in yours.

1629. Just answer my question. How early in the day did any of these persons come in to ask for their day's wages?—Not until the afternoon.

1630. About what time in the afternoon?—It might be perhaps 4 or 5 o'clock.

1631. I dare say Barry told you what they had been doing?—Barry had nothing to say to me, or I to him; I was at one table, and he at another.

1632. How near to Barry?—As near as I am to you; I had enough to do with writing.

1633. So that you closed your ears?—I did not close my eyes, I attended to my business.

1634. Was it 10 *s.* that he gave to these men?—I am not aware that it was 10 *s.* or 5 *s.* or what it was; he paid them what they earned.

1635. Was it on the day of the polling?—The afternoon of the day of the polling, I suppose; I will not be certain; you must let me correct that; I cannot be certain, because I was there the day after the polling, so that I cannot be certain whether it was the day of the polling or not.

1636. Do you mean to swear that you do not know when this money was paid?—I do not recollect the day exactly.

1637. Was it paid on both days?—I think not, I think it was the day after.

1638. Will you swear that it was not upon the day of the polling?—I will swear to the best of my recollection; I know nothing about it on the day of the polling.

1639. Will you swear that it was not on the day of the polling?—If I had my memorandums from Bristol, I could tell you, but I have not.

1640. Have you a memoranda in from Bristol?—I have the habit of putting down in a diary——

1641. Is that diary in existence?—If it is in existence no one can put his hands upon it except myself.

Mr. *G. Maggs.* 22 June 1868.

1642. If we ask you to put your hands upon it to-morrow?—I could do it.

1643. If we ask you to bring up that diary you could bring it?—Yes, and I will not promise you that those things are in it.

1644. Then I do not think it would assist you?—This is what I tell you, that I am in the habit of keeping a diary, but I am out of town sometimes.

1645. But you were not then out of town?—I may have omitted, from being absent from home, to place anything in my diary at that time; it may have been omitted, or merely summed up. I am generally most precise.

1646. In matters of election, you do not feel it desirable to be so?—In matters of election I was engaged, and so I have not the time.

1647. Will you undertake to swear that these men were not paid on the afternoon of the day of the polling; you know everybody in Bristol knows all about it?—I have not the slightest remembrance of seeing any money paid upon the day of the polling.

1648. Will you swear that you did not see a dozen people paid on the day of the polling?—I will swear I do not recollect seeing it.

1649. Will you swear that you did not?—I cannot say, because if my recollection does not serve me, how can I swear that?

1650. You do not know?—I do not recollect.

1651. Will you swear that you do not know?—I do not swear I do not know, because I may know as regards that, it may be recalled to my recollection by circumstances.

1652. I will endeavour to recall it to your recollection; what had you to do there the day after the polling, what business there at all?—Like other people about the place, to see what was doing.

1653. But you were not engaged the day after the polling?—I believe I was.

1654. Will you swear you were?—I have reason to believe, I considered myself engaged.

1655. Were you employed the day after the polling; now come?—Well, I employed myself as much on that day as I did on the other.

1656. And did you get paid for employing yourself?—I did.

1657. You got paid 5 *s.* for employing yourself?—I got paid for six days, and that was included.

1658. Did you do any work the day after the polling?—I did sufficient work to require payment for so doing.

1659. What did you do?—Hunting about for different people to see where they were; that was a portion of it.

1660. What did you mean by swearing that they came in at the time when you were writing at the table to be paid?—But I could go in and out, and backwards and forwards.

1661. You will not tell me what day it was?—I do not keep anything from you.

[The Witness withdrew.

Mr. Serjeant *Ballantine* stated that it might be necessary for him hereafter to call some more witnesses in connection with Horder's gang, who had not arrived at present, but that he would go now to another branch of the case.

THOMAS ROWE was called in; and, having been sworn, was Examined by Mr. *Norris*, as follows:

T. Rowe.
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1662. Do you live in Bristol?—Yes.

1663. Where do you live?—I lived at the time of the election in Pippin-street.

1664. You are not a voter?—No.

1665 Where do you work?—At Greenslade's.

1666. That is a brush manufactory in Thomas-street?—Yes.

1667. Do you remember the afternoon previous to the polling, the afternoon of the day of the nomination?—No.

1668. Do you remember the nomination day of the election?—Yes.

1669. In the afternoon where were you?—I was in the shop at work.

1670. Did anyone come and speak to you?—Yes, Gathercole.

Mr. *Matthews* submitted that though this evidence would fairly arise on a scrutiny, it was not admissible in the present case under the Petition.

Mr. Serjeant *Ballantine* was heard in support of the line of examination. He called the attention of the Committee to the 3rd clause of the 2nd section of the 17 & 18 Vict. c. 102, and stated that in the Petition in the present case the very words of the Act of Parliament had been followed. He also called attention to the decision of the Committee in the Lisburn case, in which it was decided that money given to a person not himself a voter, to induce him to personate his father, constituted bribery under the Act.

Mr. *Giffard* was heard in reply. He contended that the Lisburn case was distinguished from this, by the fact that (as he was informed) in that case there was a special allegation on the point in the Petition. He further contended that the class of evidence which it was now sought to offer did not come within the words of the Act of Parliament, upon which Mr. Serjeant Ballantine relied, and he reminded the Committee that personation is dealt with by a separate Act of Parliament.

The Committee retired to deliberate.

After a short time, the Committee returned, and the Chairman stated that the Committee were unanimously of opinion that this case, if proved, would be within the 3rd section of the Act, and also within the words of the Petition.

1671. Mr. *Norris* (to *Witness*).] You have pointed out, before the Committee retired, that you were at work at your workshop on the afternoon of the nomination, and that a man named Gathercole came and spoke to you; what did he say to you?—He asked me if I wanted my name down.

1672. What did you say to that?—I asked him what it was for. He said he would let me know in the morning. I said, "Where shall I see you?" He said, "At the 'Don Cassack,' at a quarter after seven."

1673. The "Don Cassack" is a public-house, where?—Portwell-lane.

1674. Did you meet him there on the Wednesday morning?—No, I did not think no more about it, and the next morning he came where I was stopping, and knocked me up; I was in bed.

1675. What did you say?—When I came downstairs he asked me whether I would go and vote; it would not take me above an hour, and he would give me 6 *s*.

1676. Did he tell you to go anywhere?—I told him that I would go and have a wash, and I would tell him when I came up.

1677. You have told us about the "Don Cossack;" was anything said about any other public-house?—We never went to the "Don Cossack."

1678. Did you go to the "Ship?"—No.

1679. After you went out, did you meet anyone on the road?—Yes, I met Eyres.

1680 Is that Elias Eyres?—Yes.

1681. He works in the same workshop with you?—No.

1682. Where?—At Bryson's, in Redcliff-street.

1683. The same employment, a brush makers?—Yes.

1684. You knew Eyres before?—Yes.

1685. Did he say anything to you?—He told me to come with him to the "Coach and Horses."

1686. Did you go to the "Coach and Horses?"—Yes.

1687. Who did you see there?—I see a room full.

1688. Who was there in the room that you knew?—I do not know their names.

1689. Was Gathercole there?—Yes.

1690. Any of your fellow workmen there?—Yes.

1691. Was Groves?—Yes.

1692. Was Henry Godsell there?—Yes.

1693. What did you do there at the "Coach and Horses," when you got there?—We had some beer.

1694. Did you pay for it?—No.

1695. Did you see anybody pay for it?—I see Gathercole pay for it.

1696. When you had had the beer, where did you go to from the "Coach and Horses?"—To Stokes' Croft.

1697. Where to in Stokes' Croft?—To the "Black Horse."

1698. That was close by one of the polling booths, was it not?—Yes, right behind it.

1699. Do you know what sort of a house it was?—I know there was blue bills on the window.

1700. And of Miles's committee-rooms, was it not?—I do not know whether it was a committee-room or not.

1701. What was on the bills, do you know?—No; I am sure I did not take notice.

1702. What did you do at the "Black Horse?"—We had some beer, and some bread and cheese there.

1703. Did you pay for it?—No.

1704. Did Gathercole make you a present of anything there?—Yes.

1705. What did he give you?—He gave me a card.

1706. What do you call that card, do you know?—Call it a scrip.

1707. What colour was it printed in?—Blue.

1708. Do

1708. Do you know whether or not, it was a scrip for Mr. Miles?—Yes, Miles.

1709. Do you remember the name upon it?—Not that one.

1710. Can you read?—Yes.

1711. What sort of a name; was it a long name or a short name on that?—A long one.

1712. Being a long name, what did you do with the scrip?—I says, "This is a long name," I could not read it." He said, "Give me that, and you can have another one."

1713. Had he got many of them?—About 20, I should think.

1714. Do you remember the name on the other one that he gave you?—Yes.

1715. What was it?—Richard Pearce.

1716. Do you remember the number?—No.

1717. Do you remember any one figure?—I know there was a "9" in it.

1718. When you had this scrip with the name of Richard Pearce, and the number having 9 in it, what did you do?—Told me to go and vote at No. 23 booth.

1719. And did you?—Yes, Gathercole stood behind me.

1720. Was the identity oath put to you?—What?

1721. Was any oath put to you?—Yes.

1722. And you voted on the scrip, with the name of Richard Pearce, which Gathercole had given you?—Yes.

1723. After you had voted, where did you go?—To the "Black Horse" again.

1724. More beer?—More beer.

1725. Pay for it?—No.

1726. After you had gone to the "Black Horse," and had more beer, where did you go to then?—Gathercole had come in and said, we was to go to "the Foresters' Arms."

1727. Who was with you at this time?—Groves.

1728. Who else?—Several there; Gadsell.

1729. Your fellow workmen, at Greenslade?—Yes.

1730. Did you go to the "Foresters' Arms?"—Yes.

1731. Well, what took place there?—We had some beer, and waited till Gathercole came down.

1732. Did you have anything else?—Bread and cheese.

1733. Tobacco?—Tobacco.

1734. As much refreshment as you wanted?—Yes; beer, bread and cheese, and tobacco.

1735. You told me that you were to wait there till Gathercole came back; did he come back to you?—Yes.

1736. What time was that?—About 11 o'clock, I should think.

1737. When he came back, what did he do?—Called us into a room, and paid us 6 *s.*

1738. Did you go in one by one?—Yes.

1739. And was there a door-keeper?—There was one there to see one in, and the other out.

1740. Who was that?—Groves.

1741. After you had polled at this booth, did you see Gathercole write this in Groves's pocket-book (*handing a book to the Witness*)?—Yes.

1742. That entry is "Let the bearers have to the amount of five shillings till I come, J. Gathercole." Now, when you met Gathercole on this day, when you performed this operation at Stokes' Croft, did he say anything to you as to what he had been doing the night before?—He said that he had been all night directing letters.

1743. Did he say who he had been with?—No, he and Eyres together.

1744. Did he say who they had been doing this for?—No, I did not ask them.

1745. I know you did not ask them, but he volunteered this information to you; did he volunteer who he had been working for?—No.

1746. Did he say anything about a man named Owen?—I did not hear Gathercole say anything about Owen.

1747. Did Eyres say anything about Owen?—No.

1748. What made you say that you did not hear Gathercole say anything about Owen?—They were a lot of them together, and talking about one thing and another.

1749. What about?—About this here going up and voting, and one thing and another.

1750. And when Gathercole and Eyres told you they had been up all night directing envelopes, did they say anything about Owen?—I did not hear them.

1751. Do you know Owen at all?—Well I saw the back of him once.

1752. Have you heard Gathercole and Eyres speak of him?—No.

1753. Never?—I have heard the men in the shop speak of him, that he lived with Gathercole and Eyres.

1754. You know as a fact that Owen was secretary to the Working Man's Conservative Association?—I never knew it till afterwards.

1755. What did the men in your workshop say who said that Owen lived with Gathercole and Eyres; cannot you tell us some of the conversation that passed?—Said that he was a fast fellow.

Mr. *Matthews* objected to the evidence.

Cross-examined by Mr. *Matthews.*

1756. What was the oath put to you?—It was to tell the truth.

1757. But when you went to the poll, what was the oath that was put to you?—Asked me whether I was the the man, this Richard Pearce.

1758. And you swore that you were?—I said I was.

1759. And you swore it?—Yes.

1760. And you knew at the time that was untrue?—Yes.

1761. You have a great regard for what is called the sanctity of an oath?—Well, Sir, I was very near tight at the time.

1762. Were you tight in the morning before you started?—Very near.

1763. Very near tight in the morning before you started to go to the "Coach and Horses"?—Yes.

1764. Who had you been drinking with that morning?—I had been drinking at the "Swindon Tavern."

1765. With whom?—Where I was stopping at.

1766. With whom were you drinking?—Strangers, not with Gathercole.

1767. What o'clock did you begin drinking that morning?—Started about 6 o'clock in the night.

1768. The night before?—The night before.

1769. You say that you saw Gathercole write this in the pocket-book?—Yes.

1770. Where

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1770. Where?—Stokes' Croft.
1771. At what o'clock?—Half-past nine.
1772. In the morning?—In the morning.
1773. Who was by when he wrote it?—Me and Groves was together when he wrote it.
1774. Anybody else?—Several standing off, but not so close as me and Groves was; we were talking to him.

[The Witness withdrew.

WILLIAM WALLER was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

W. Waller.

1775. WHAT are you by profession?—Brush maker.
1776. And do you work at Messrs. Greenslade's at Bristol?—Yes.
1777. Were you working there at the time of the Bristol election?—I was.
1778. Do you remember the morning of the polling-day.—Perfectly well.
1779. Did Gathercole come to you on that morning?—Yes, he did.
1780. You were in bed, were you not?—I was.
1781. What did he say to you?—He caused me to be called up, after having beer, and that, over night.
1782. Had you had beer over night?—Yes, over night.
1783. Where?—Not any gift; beer at my own expense.
1784. The next morning you were called up, and you saw Gathercole?—Yes.
1785. What did he want you to do?—He told me he had got a job for me, and he would give me 6 *s.* if I would do it, and of course I asked him what I was to do. I thought it was some message.
1786. We will not ask you what you thought; did he tell you what you were to do?—He did after we got outside.
1787. What did he tell you you were to do?—He pulled out a card and told me I must go and personate the person on that card, and say that I was a freeman.
1788. You were to take the name of somebody on the card and say you were a freeman?—Yes.
1789. Did you learn from him for whom you were to vote?—It was indicated on the card.
1790. You have not got the card, I suppose?—No.
1791. Where did you go to on the morning of the polling first?—Public-houses.
1792. Did you get anything to eat and drink at the public-houses?—To drink, I did; but to eat, I could not.
1793. Did you pay for it?—No, not a halfpenny.
1794. Do you know who did?—No, that I cannot tell who did, because there were many of them.
1795. Did you know Eyres?—Yes.
1796. Did you see him?—Both he and Gathercole together.
1797. I believe that you went to the "Foresters' Arms," did you not?—Afterwards.
1798. You got plenty of beer there?—There was beer there.
1799. Were many people drinking it?—Yes, there was.
1800. Anybody paying for it?—I did not see any paid for.
1801. Did you ultimately vote?—That is a question. Am I guaranteed from consequences?
1802. Well, I believe that you are obliged to answer the question?—I did.
1803. Representing yourself to be whom?—If I recollect, John Lane.
1804. If you recollect, you were John Lane upon that occasion?—Upon that occasion.
1805. Had you to take an oath?—I never was up to a polling-booth in my life before.
1806. Had you to take an oath?—Something in the shape of one; not what I considered an oath.
1807. It was something in the shape of an oath?—Not the same as what is done now.
1808. It was done in a hurried way?—Yes.
1809. At all events, you contrived to represent something untrue?—Representing that I was what I was not.
1810. Do you know what has become of Gathercole?—No; I have endeavoured to find out, but cannot make anything out.
1811. Can you find out what has become of Eyres?—No.
1812. Did you see a person of the name of Owen at all?—I believe that I have seen him, but I should not know him.
1813. Did Gathercole tell you anything about Owen?—Nothing whatever in my presence.
1814. Have you seen Owen since the election?—I have not.
1815. I forgot to ask you, what is comparatively unimportant, did you get anything for personating this person?—Six shillings.
1816. Was that all you got?—That was all.
1817. For the oath, and everything?—Everything.
1818. Where was that paid?—The "Foresters' Arms" in Guinea-street.

Cross-examined by Mr. *Matthews.*

1819. I should like to know your notion of an oath. What was it that you did take which was something in the shape of an oath?—Well, I suppose, it was considered as an oath.
1820. Was it that you would answer truly all the questions that were put to you?—I was so muddled with the beer that I can scarcely say what I did.
1821. Are you muddled with beer now?—No.
1822. Then answer me, was that the oath, that you would answer truly all the questions that were put to you?—Something like that.
1823. They asked you that?—Yes.
1824. You kissed the book, and swore that you would?—I made an attempt at it.
1825. You intended them to suppose that you would answer the questions truly?—Yes.
1826. And they asked you whether you were John Lane?—Yes.
1827. And you said that you were?—I answered "yes."

Re-

Re-examined by Mr. Serjeant *Ballantine.*

1828. What are your wages?—My wages vary so much.

1829. About how much; what do you make upon the average?—Well, I suppose about 4 *s.* or 4 *s.* 4 *d.* a-day.

1830. Have you a family?—Yes, four sons.

[The Witness withdrew.

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WILLIAM AVY was called in; and, having been sworn, was Examined by Mr. *Norris,* as follows:

1831. You live at Bristol?—Yes.

1832. And you are not a voter?—No, I am not.

1833. Do you work at Greenslade's brush manufactory?—Yes.

1834. With the last two witnesses?—Yes.

1835. Do you remember Gathercole coming to you on the afternoon of the day of the nomination?—Yes, perfectly well.

1836. What did he say to you?—He asked me if I wanted a job, 6 *s.* I asked him what it was to do; he told me to meet him at the "Don Cossack" by 7 o'clock on the following morning, and I should know, and I went according to promise.

1837. He told you that it was 6 *s.* you would have for the job?—Yes.

1838. And did you go to the "Don Cossack"?—Yes.

1839. Did you see anybody else there?—Yes, I saw a man named Eyres (Gathercole was not there himself) and five or six more shipmates.

1840. Did Eyres speak to you?—Yes.

1841. What did he say?—He said Gathercole was not there, but we had to go down to the "Mail Coach" and wait for him.

1842. Did you go down to the "Mail Coach"?—Yes; and had some beer there.

1843. Did you pay for it?—No, I did not.

1844. The "Mail Coach" is sometimes called the "Coach and Horses"; it is the same public-house, is it not?—Yes, the same public-house.

1845. The public-house to which Rowe went?—Yes; the same house.

1846. When you were at the "Mail Coach," did Gathercole or Eyres, or both of them, speak to you?—Yes.

1847. What did they say?—They said the Liberals was doing the very same thing.

1848. What was the "same thing"?—Why, to go and vote for people that could not come, that were in the country; they said there was no harm in it.

1849. After that, where did you go?—We started in little groups, twos and threes, and went to the "Black Horse," Stokes' Croft.

1850. Did you see any placards up there?—Yes; the place was all full of them.

1851. Do you remember what colour they were?—Blue.

1852. Do you remember the writing on them?—No, I cannot say that I recollect the writing on them.

1853. When you went to the "Black Horse," did you have some beer there?—Yes.

1854. What did you do after that?—I had a scrip given to me, and Eyres told me if I was asked any questions——

1855. Was that the scrip you had given to you (*handing one to the Witness*)?—Yes.

1856. Do you know whose writing that is?—That is a man that works at Ryson's; a man of the name of Huntington, who I gave the scrip to.

1857. Did you vote on that scrip?—No, I did not.

1858. What did you do?—After giving the scrip I went and took a walk; when I came back again he did not ask no questions, and I did not ask him any.

1859. (By the *Committee.*) When you came back to the "Coach and Horses"?—No; to the "Black Horse."

1860. Mr. *Norris.*] Did Gathercole tell you when he gave you the scrip to go and vote for Miles?—Yes.

1861. And you did not?—No.

1862. Did you go in the direction of the booth?—Yes.

1863. Did you afterwards go to the "Foresters' Arms"?—Yes.

1864. And what did you do at the "Foresters' Arms"?—Oh, we had some bread and cheese there, and had to stop there until they came.

1865. Until Gathercole and Eyres came?—Yes; and there was plenty of beer, and bread and cheese, and tobacco for those that wanted it.

1866. When Eyres and Gathercole came in, did they pay you?—Yes.

1867. How much?—Six shillings.

1868. Where was that paid?—In a little room at the back of the house.

1869. Who paid you?—It was Gathercole paid us.

1870. And what was Eyres doing while Gathercole was paying?—Eyres booked it.

1871. Did you see Groves there?—Yes; he was door-keeper.

1872. Let you in one by one?—Yes.

Mr. *Giffard* stated that he would not ask the witness anything, but that he was anxious that the Committee should see the scrip.

It was handed to the Committee.

[The Witness withdrew.

W. Avy.

WILLIAM SMITH was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine,* as follows:

1873. ARE you in the employment of Messrs. Greenslade, Brushmakers, in Bristol?—I am.

1874. The evening of Tuesday, the 28th of April, was the evening of the nomination day, was it not?—Yes.

1875. On that day were you at work at your employers'?—I was.

1876. And upon the evening of that day did a person of the name of James Gathercole come to the workshop?—Yes.

1877. Did you hear him ask different men to do anything?—I did.

1878. What did you hear him ask?—He asked me if I would make one.

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1879. Had you heard him ask anybody first, before he asked you?—Yes; four or five others.

1880. What did he ask the four or five?—If they would make one.

1881. One to do what?—He did not say that; he was asked, and he said "You will know that in the morning."

1882. Then he asked you, did he?—Yes.

1883. What did you say?—I said, "Yes."

1884. Did you know what he meant?—I did not.

1885. On the morning, at 7 o'clock, did you go to the "Don Cossack"?—I did.

1886. Did you find several of your fellow-workmen there?—I did.

1887. From there did you go to the "Coach and Horses," in Redcliff-street?—Yes.

1888. How came you to do that?—Merely to hear what we were to do.

1889. Who told you to go there?—Well, several——

1890. They seemed to know it, did they?—Yes.

1891. When you had got to the "Coach and Horses," did you see Gathercole?—I did.

1892. Did he produce anything?—He came up to me, and pulled out some scrips from his inside coat pocket; he said, "Here are the scrips for you, and you will get paid." He says, "The best plan will be for all to go in a body, and then you will not be detected."

1893. What did you say?—I said "No"; and after that I advised others not to do it.

1894. You refused to do it, and advised others not to do it?—Yes.

1895. Some did it and some did not?—Yes.

1896. Did some of them refuse to do it?—I believe so.

1897. At all events you did, and you took no money?—I took no money whatever.

[The Witness withdrew.

EDWIN EVANS was called in; and, having been sworn, was Examined by Mr. *Norris*, as follows:

E. Evans.

1898. Do you work at Greenslade's?—Yes.

1899. Did Gathercole tell you to meet him at the "Don Cossack" on Wednesday morning, the day of the election?—No.

1900. Did you meet him there?—Yes.

1901. Did he offer you any money?—He said I might as well have 6*s.* as anyone else.

1902. Did you go with him from there to the "Ship Tavern"?—Yes.

1903. Did you have beer?—Yes.

1904. Did you pay for it?—No.

1905. While you were there, did you see a lot of your fellow workmen?—Yes.

1906. And where did you go from there?—To the "Mail Coach," Redcliff-street.

1907. There you had some more beer?—Yes.

1908. And from there, where did you go?—To the "Black Horse."

1909. Stokes' Croft?—Yes.

1910. When there, did Gathercole show you anything?—He gave me a scrip.

1911. What did he tell you to do?—To go and vote.

1912. And did you vote?—Yes.

1913. And from there you went after you had voted to the "Foresters' Arms"?—Yes.

1914. And you were paid 6*s.*?—Yes.

1915. Paid in a small room?—Yes.

1916. Do you remember the name on which you voted?—No.

1917. At the "Black Horse," did you see any bills posted up?—I did not notice any.

1918. Do you know Owen at all?—Yes.

1919. When did you last see him?—I think it was a day or two after the election.

1920. Did Owen say anything to you about this matter?—No.

1921. I believe you have a vote of your own? Yes.

1922. Did you exercise the right which you are entrusted with?—I voted for Mr. Morley.

Cross-examined by Mr. *Giffard.*

1923. What is your district?—Bedminster.

1924. How came you to vote for Mr. Morley?—I met two of my shopmates, and they persuaded me to go and vote for Mr. Morley.

1925. What sort of persuasion?—They asked me to go and vote for him.

1926. Anything else?—No.

1927. No money, or any promise of it?—No.

1928. Quite sure of that?—I am.

1929. What is your Christian name?—Edwin.

1930. And where do you live?—Somerset-street now; I used to live in Colson-street.

[The Witness withdrew.

JOHN NORRIS was called in; and, having been sworn, was Examined by Mr. *Norris*, as follows:

J. Norris.

1931. WHERE were you on the Tuesday evening preceding the election?—I was in Thomas-street.

1932. Did you meet Gathercole there?—Yes.

1933. What did he say to you?—He asked me whether I wanted a job.

1934. Did he say anything else?—Yes; he said that he would see me in the morning.

1935. Where?—At the "Don Cossack."

1936. Did you go to the "Don Cossack" in the morning?—Yes; and he was not there; they were gone.

1937. Did you meet him again in the course of the day?—Yes; up at St. James's, in the Barton.

1938. And what time was that?—Between 10 and 11 o'clock.

1939. Who was he with?—Along with Eyres and Waller.

1940. What did you do?—Went to a public-house in the Barton; I forget the name of it.

1941. Had some refreshment there?—A share of a quart of porter and beer.

1942. Did you pay for your share?—It was paid for me.

1943. Who paid for it?—Mr. Gathercole.

1944. Where did you go after you had had the share

share of a quart of porter?—He presented me with a scrip.

1945. Is that the scrip (*handing the same to the Witness*)?—Scrip, No. 11 Booth.

1946. He gave you that?—Yes.

1947. What did he ask you to do?—"Go and present it at the booth to vote;" and when I heard there was an oath taken I kept back.

1948. You did not vote?—No.

1949. Did he ask you to go?—Yes.

1950. Did he tell you to go anywhere after you had voted?—Yes; the "Foresters' Arms."

1951. Did you go there?—Yes.

1952. And waited there till Gathercole came back?—Gathercole came back with me and Eyres.

1953. Had you some refreshment there?—I had a glass of beer, and he presented me with 6*s.*

1954. What was the 6*s.* for?—I suppose to take that scrip.

1955. Who paid you the money?—Mr. Gathercole.

1956. Was Eyres there at the time?—Yes; kept the door.

1957. Do you know Richard Owen at all?—No; I have seen him, but I know nothing about him. *J. Norris.* 22 June 1868.

1958. When did you last see him?—The last time I see him might be three weeks, I suppose.

Cross-examined by Mr. *Giffard.*

1959. Just let me understand; you were to get the 6*s.*, as I understand, for voting or pretending to vote in the name of Mr. James Chapman?—Yes.

1960. He gave you the 6*s.*?—Yes.

1961. Did you tell him that you had voted?—I did tell him so, but I had not though.

1962. You did tell him so?—I did, decidedly.

1963. Mr. Serjeant *Ballantine.*] You did not swear to that?—No.

1964. Mr. *Giffard.*] You wrote your name John Morris on that?—Yes; I wrote my name before Mr. Box there.

[The Witness withdrew.

THOMAS SHERAR was called in; and, having been sworn, was Examined by Mr. *Norris,* as follows:

1965. DID you meet Gathercole and Eyres on the afternoon of the nomination in Bristol?—The morning. *T. Sherar.*

1966. Where did you meet them?—In Redcliff-street.

1967. What did Gathercole say to you?—He told me there would be a chance of earning some money. I can hardly tell you. I was intoxicated at the time, so that I can hardly tell you.

1968. Did you tell him you would like to earn some money?—Yes.

1969. What else did Gathercole say to you?—Well, we went and had something to drink; I missed them.

1970. I want to know what he said to you?—I missed them, and then I went to a house called the "Foresters' Arms."

1971. Well, what did you do after you got to the "Foresters' Arms"?—Took some drink there, and I had to make haste to get towards a place called, I think, Stokes' Croft, where we met Gathercole and Eyres, and a shopmate of mine, named Waller, and we were taken into another public house.

1972. Did Eyres give you a scrip to vote with?—Eyres gave me the scrip.

1973. Did you vote?—Yes.

1974. Do you remember the name?—No.

1975. Or the number?—No.

1976. Have you a vote yourself?—No.

1977. Did they promise you any money for voting?—Yes.

1978. Did they pay you?—Yes.

1979. How much?—Six shillings.

1980. Where?—At the "Foresters' Arms."

1981. Who paid you?—Gathcole paid it.

1982. Was Eyres present?—Yes; and a man named Groves, a shopmate of mine, held the door.

1983. Let you in one by one?—Yes.

[The Witness withdrew.

HENRY GODSELL was called in; and, having been sworn, was Examined by Mr. *Norris,* as follows:

1984. WHERE do you work?—At Mr. Greenslade's. *H. Godsell.*

1985. Do you remember the day preceding the election in Bristol?—I do.

1986. Did Gathercole come to you?—Not on that day; he did not.

1987. Did he come to you at all before the election?—He came on the morning of the election.

1988. Where did he come to you?—At the "Don Cossack," Portwell-lane.

1989. Where did you go to from the "Don Cossack?—The "Ship," Redcliff-street.

1990. Did you have any beer at the "Ship"?—Yes.

1991. Did you pay for it?—Mr. Gathercole paid for two quarts, I believe.

1992. Was Eyres there at the time?—Yes.

1993. Where did you go from the "Ship"?—"Coach and Horses," Redcliff-street.

1994. Did you see any bills at the "Coach and Horses"?—I did not notice any bills there.

1995. Had you more beer at the "Coach and Horses"?—Yes; more beer was paid for by Gathercole.

1996. Was Eyres there when that was ordered?—Yes.

1997. Where did you go from the "Coach and Horses"?—To Stokes' Croft.

1998. A public-house?—The "Black Horse."

1999. Do you know what the "Black Horse" was?—A Conservative house.

2000. Did you see any bills there?—Saw plenty of them there.

2001. Blue bills?—Yes.

2002. Do you know whether it was a committee-room or not?—I do not know whether it was a committee-room or not; I cannot say.

2003. When you were there with others of your fellow-workmen, what were Eyres and Gathercole doing?—Well, when I was in the room I saw them handing about scrips.

2004. Did either of them come to you?—I was the

H. Godsell.
22 June 1868.

the last man; I was offered a scrip; young Eyres offered it to me.

2005. Do you remember the number?—I think 7,588; I will not be sure.

2006. And the name?—Samuel Ricketts.

2007. Did he say anything when he offered that to you?—Told me I was to go to such a booth, such a number, and I said, "I shall do nothing of the sort;" and he walked back again, and sat down.

2008. Did Gathercole ask you anything about your reason for not taking it?—Gathercole asked me, and I said, "If I knew what your intentions were, I should not have come near the place."

2009. Was a man named John Burt there?—Yes.

Mr. *Giffard* objected to this line of examination, Burt's name not being on the list.

2010. Mr. *Norris.*] Did you see Gathercole write anything in a pocket-book?—I saw him write down an order for 5*s.* of beer.

2011. Was that what you saw written (*handing a book to the Witness*)?—It was that.

2012. Do you know who that pocket-book belongs to?—Mr. Groves.

2013. Where did you go to from there?—They went down to the "Foresters' Arms," in Guinea-street; however, I did not go with them.

2014. Did you meet Gathercole again?—I met him when he was going into the house he was going to in Guinea-street.

2015. Did he ask you anything?—Asked me if I had voted. I said, "Yes; gave him a plumper."

2016. Whom did you mean?—Mr. Miles.

2017. And where did you go then?—I went down to a friend who keeps a public-house in Thomas-street.

2018. Did you ultimately go to the "Foresters' Arms," in Guinea-street?—I went there at half-past three in the afternoon.

2019. Whom did you see there?—Eyres.

2020. What did Eyres say to you?—Asked me if I had had any money. I said, "No." He said, "Gathercole is not here; I will go and find him." He went with me to the "Ship," and Gathercole gave me 6*s.*

2021. And you had previously told Eyres that you had given Miles a plumper?—Not Eyres, Gathercole.

2022. When you were come out of the "Ship" with Gathercole and Eyres, did you meet anybody?—I met Mr. Owen in Guinea-street.

2023. What Mr. Owen was that?—I cannot think on his Christian name; but I know him by sight very well, not personally.

2024. Did Eyres introduce you to Mr. Owen?—Yes.

2025. What did Owen say?—He introduced me as a friend.

2026. Eyres introduced you as a friend to Owen?—Yes.

2027. And did Owen say anything to you?—He said he wanted three more freemen; about half-past three in the afternoon as near as I can guess within a minute or two.

2028. Did he had anything to that?—No, nothing more than that; we left him then.

2029. When Owen said that he wanted three more freemen, who was present?—Eyres and me, that was all.

2030. Who did he say this to, that we wanted three more freemen?—Young Eyres.

2031. Did Eyres make any answer?—No, none at all. Eyres and me left. Owen was in a great hurry, and went off; did not stop three minutes hardly.

2032. Did either Eyres, or you, or Owen, say anything about these personations?—No, not a word.

2033. Do you know who Owen is?—I know him by sight, but I do not know his name.

2034. Do you know what position he holds; what he was doing at the time of the election?—I believe he was lodging where Gathercole was at Mr. Eyres's house.

Cross examined by Mr. *Giffard.*

2035. You say that you had given a plumper for Mr. Mills; was that true?—No, it was not true; I did not vote at all.

2036. But you are quite sure that you said that?—Said that in a bit of a lark, I suppose.

2037. Take care; had you said that?—Yes.

2038. Just think of what you are saying. There was but one seat vacant. Take care, now, you know very well that there was but one seat vacant, did you not?—Yes.

2039. And yet you swear you said that you had given a plumper?—I did not swear I had given a plumper.

2040. You said that you had told him so?—I told him so; that is only a bit of a lark. I never voted at all.

2041. Just turn round and let the Committee see you. You said that you told him that you had given a plumper for Mr. Miles?—That was only in a lark.

2042. Now, you see I have called your attention to the fact that there was only one seat vacant?—I knew there was only one vacant.

2043. You knw what the meaning of giving a plumper is, do you not?—Yes.

2044. My learned friend seems to think that you do not know what giving a plumper is?—I never gave any at all.

2045. No, I know that. Now come; how came you to say that, when there was only one seat vacant?—I told you before it was only stated in fun.

2046. But you were to get 6*s.* for saying it in fun?—I did not want it.

2047. Did you take it?—I took it afterwards.

2048. How came you to take it?—Because all the rest had it; I was persuaded.

2049. By whom?—Friends of mine.

2050. Would you rather not have had the 6*s.*?—I would.

[The Witness withdrew.

Joseph Groves was called in; and, having been sworn, was Examined by Mr. *Norris,* as follows:

J. Groves.

2051. Do you work at Greenslade's Brush Manufactory, in Bristol?—Yes.

2052. Do you remember the afternoon of the nomination at the last election?—Yes.

2053. Did Gathercole come round to you?—Yes.

2054. What did he say to you?—He asked me if he should put my name down, and I told him yes.

2055. Did

2055. Did he tell you what for?—No; he led me to understand that it was for a breakfast.

2056. Did you meet him the next morning?—Yes.

2057. Where?—I met him at the "Foresters' Arms."

2058. Where did you go from the "Foresters' Arms?"—Down to the "Don Cossack," at the corner of Portwell-lane.

2059. And from there where did you go?—To the "Ship," on Redcliff-hill.

2060. The "Don Cossack" was shut up?—Yes.

2061. And did you have anything to drink at the "Ship?"—Yes, had some beer.

2062. Did you pay for it?—No, Gathercole paid for it.

2063. From there where did you go?—To the "Mail Coach," or "Coach and Horses," in Redcliff-street.

2064. Whom did you go in company with?—I can scarcely remember; but there were five or six of us went together to the "Mail Coach."

2065. Was Eyres one?—He stopped behind to bring up the stragglers.

2066. Did you have any conversation with Eyres on your way?—When we left the "Foresters' Arms" I had.

2067. What did he say to you?—He told me what he wanted me to do.

2068. What was it?—He said he wanted me to go and vote for a man that was out of town, and could not possibly come. He said it was all right, and I should be doing no harm.

2069. Did he say whether you were to publish the matter, or keep it quiet?—He told me to keep it quiet.

2070. Did he promise you any money for this?—Six shillings.

2071. From the "Coach and Horses," in Redcliff-street, where did you go to?—The "Black Horse," in Stokes' Croft.

2072. What occurred at the "Black Horse?"—We had some beer there, and Eyres gave me a scrip to go and vote.

2073. Do you remember what the number on the scrip was?—6,899.

2074. And the name?—Richard More.

2075. And did you vote?—Yes.

2076. After you had voted, where did you go to?—We left there, and went back to the "Foresters' Arms," in Guinea-street.

2077. Before you went there, did Gathercole make an entry in your pocket-book?—He made an entry in my pocket-book.

2078. Is that it (*handing a pocket-book to the Witness*)?—Yes, that is my pocket-book; that is the entry which Gathercole made.

2079. That is Gathercole's writing?—Yes.

2080. When you got to the "Foresters' Arms," what did you do?—We had plenty of beer, and some bread and cheese, and tobacco.

2081. Did you pay for it?—No.

2082. On your way to the "Foresters' Arms" did you overtake anybody?—We overtook Mr. Owen in Redcliff-street.

2083. Did you say anything to Owen?—Yes.

2084. What did you say to him?—I did not know Mr. Owen, but he was pointed out to me.

2085. Who by?—Rowe.

2086. That is, Thomas Rowe?—Yes.

2087. Who works in the same shop with you?—Yes; he came up to me, and said, "There is Owen," and I went and spoke to him, and told him we had been and done that job, and showed him my pocket-book, and the entry in it, and he told me it was all right; to go on, and it would be all right.

2088. Did you know who Owen was?—Only by hearing tell of him speaking at meetings, and saw his name in the paper.

2089. Were you paid 6*s.*?—Yes.

2090. At the "Foresters' Arms?"—At the "Foresters' Arms."

2091. By Gathercole?—By Gathercole.

2092. And was Eyres present?—Yes.

2093. Mr. Serjeant *Ballantine.*] Did you take More's name and vote for him?—Yes.

Cross-examined by Mr. *Matthews.*

2094. Is this your book which I have in my hand?—Yes.

2095. You made these entries, did you?—Yes, those are my entries.

2096. What are they about?—My work.

2097. What is "two dozen for horder"?—That is work that I had to do to order.

2098. Is Horder the man who has been here?—No; it is work that I had to do to order.

2099. Who is Bass; there is no "H" there?—There is no "H" belonging to the word.

2100. I mean, is Bass a man?—No; it is my work.

2101. What is Bass?—Bass brooms, to sweep the streets with.

2102. For doing dirty work, I suppose?—Yes.

2103. Why do your entries stop on the 15th of March?—That is when I delivered it.

2104. Did you go out of work on the 15th of March?—I cannot say unless I see it.

2105. Look at that (*handing the book to the Witness*)?—I changed to another sort of work then; another branch of the trade.

2106. You do not enter anything more in your book?—Yes; that my returns I returned it on March the 19th.

2107. On the 19th of March, did you begin to play then?—No.

2108. Why not have entered it after that date?—I was shifted to another branch, and it was another sort of work altogether. I only give the returns there as that branch.

2109. You give no returns after the 15th or 19th of March?—I got on the drink then.

2110. I suppose it was in a state of drink that you began to make entries three months earlier, January?—No, I was not on drink then; I began drink when I left off the entry, and neglected it.

2111. Are these entries of drink that follow in your book?—I do not know.

2112. Why do you go from March, in a later page to January?—January the 31st.

2113. Is that work, or play, or drink, or what?—That was my wages for those weeks.

2114. How many men work at Greenslade's besides you?—In our trade I suppose there is from 80 to 90.

2115. Pretty evenly divided in politics are they?—No; they are generally on one side, nearly all of them.

2116. What you call Radicals?—What I call Liberals.

2117. And I suppose the other 60 odd were acting

J. Groves. 22 June 1868.

acting on their own side, were they?—I do not understand that.

2118. Did any of them vote on the Liberal side?—Yes, that had votes.

2119. Few of them had votes, I believe?—The greatest number of them.

[The Witness withdrew.

Mr. Richard More was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

Mr. *R. More.*

2120. What are you?—Outfitter, clothier.

2121. Are you a voter upon the register at Bristol?—Yes.

2122. "Richard More, 6,899, Wellington-place;" is that so?—Quite right.

2123. Did you vote at the last election?—I did not.

2124. You were at Exeter, I believe?—I was.

2125. You did not know that you had a representative?—I was not aware of it.

[The Witness withdrew.

Jacob Thomas Spencer was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

J. T. Spencer.

2126. Are you a constable in the Bristol police?—I am.

2127. And do you hold a warrant for the apprehension of Eyres and Gathercole?—I do.

2128. Mr. *Giffard.*] Where is your warrant?—I have not it here; I shall have it here this evening.

2129. Mr. Serjeant *Ballantine.*] Whether with or without a warrant, have you been looking after Gathercole and Eyres?—Yes, I have.

2130. From when?—From the 5th of May I believe the date of the warrant is.

2131. Have you been able to find them?—No, I have not.

2132. I suppose that you have been active and engaged in their pursuit?—Yes, I have for the last few days.

2133. Did you go to their usual place of residence?—Yes, I have been there several times.

2134. And you made inquiries, I suppose, in a way that was perfectly understood?—Yes.

2135. And have not been able to find them?—No.

2136. Were they people who used to live at Bristol; have you known them before?—I do not know them personally; not both of them. I know Gathercole.

2137. You have never seen him since the time you had the warrant?—No.

2138. Have you inquired for them at Owen's?—I do not know Owen.

Cross-examined by Mr. *Giffard.*

2139. I suppose when my learned friend talks about your inquiring for them, you have not made it public that you are looking after Gathercole and the other man, have you?—I do not understand rightly about "making it public." I have been out day after day making inquiries to see if I could see anything of them.

2140. You, as a policeman, I suppose, do not usually give public notice that you are looking after a person for whom you have a warrant?—Not exactly.

2141. What have you done besides going to their houses?—I have been to other places where I know they have resorted.

2142. Have you been engaged in your ordinary police duty from the 5th of May?—Yes.

2143. Taking your turn on duty like every other constable?—No, not all the time. I was out specially looking for them.

2144. That is what I want to know. How long?—Three days. Not the whole of three days; a part of three different days.

[The Witness withdrew.

Mr. Serjeant *Ballantine* stated that Frederick Headley, whom he had intended to call now was not present, and that he would, therefore, call him later.

Mr. Michael Watts Grogan was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

Mr. *M. W. Grogan.*

2145. Are you a reporter, or are you upon the staff of the "Bristol Daily Press" newspapers?—I am.

2146. What are you; a reporter?—No; collector and canvasser for the "Bristol Western Daily Press."

2147. That is a newspaper published at Bristol?—It is.

2148. On the 30th January did you receive an order to insert Mr. Miles's first address?—An order was received at the office to do so.

2149. You produce that, I believe?—I can; here it is (*producing it*).

2150. That is Mr. Miles's first address?—It is.

2151. And that came through Mr. Taylor's paper?—It did.

2152. And I believe, also, you received the resolutions passed at the Conservative Working Men's Meeting on the 30th of January?—We did.

2153. In the same way for insertion?—Yes.

2154. Did you receive directions at the same time to whom you were to charge it?—Yes.

2155. To whom?—To the election committee.

2156. To the general, or the election committee?—This one (*pointing to the address*) to the election committee.

2157. The other to whom?—To the committee generally.

2158. On the 13th of February, did you receive a similar order for the publication of the list of committees?—We did.

2159. That was what appeared also in Mr. Taylor's paper, the "Times" and "Mirror"?—Yes.

2160. Now, that shows the list of committees?—It does.

2161. Was

2161. Was that published in your paper of the 14th of February?—It was.

2162. To whom did you charge that advertisement?—The election committee.

2163. Mr. Miles's election committee; is that so, or whose election committee?—It does not say whose committee.

2164. Was it to Mr. Morley you charged it?—Certainly not.

2165. To whom, then?—To Mr. Miles's committee; the instructions are, "insert Mr. Miles's address, and charge election committee."

2166. Now, on the 23rd of April, did you go to the central committee room 54, Queen-square?—I cannot swear to the day.

2167. Shortly before the election?—Shortly before the election.

2168. Whatever day it was, did you receive anything from a clerk in that committee-room?—I did.

2169. What was it?—An order to insert Mr. Miles's address.

2170. Have you got that?—I have.

2171. Just let me have it, please?—On which of the days was it?

2172. It was the one shortly before the election?—That would be one (*handing the same to Mr. James*); that was one order which I received shortly before the election. Also another (*handing it to Mr. James*), which I received shortly before the election. That would also be another (*handing it to Mr. James*).

2173. From whom did you receive that (*handing an order to the Witness*)?—A clerk in the office.

2174. Did you see whether he spoke to Mr. Hyde or not?—I did not; he produced it to me.

2175. Was that the central committee-room, 54, Queen-square, for conducting Mr. Miles's election?—It was.

2176. Have you ever seen Mr. Hyde there?—Not during the election.

2177. Now, did you insert Mr. Miles's address in pursuance of that order?—I did.

2178. I do not know whether you know it is the same date that that memorandum is written?—I do not recollect those dates, because I was there on several occasions.

2179. Looking at the memorandum dated the 27th, can you tell me whether it was upon the 27th you received it?—I should think so.

2180. Did you insert that address?—I did.

2181. Has your employer been paid for that?—He has not.

2182. Have you applied for it?—I have called at the office, but been unable to see Mr. Hyde.

2183. Did you afterwards receive that order (*handing it to the Witness*); that would be the 29th, which would be the day after the election?—I did not receive that one.

2184. Did you produce it from your office?—I did.

2185. And did your paper of the 30th of April contain Mr. Miles's address of thanks to the electors for his election?—May the 1st would contain that.

2186. Are you a daily paper?—Yes.

2187. Have you sent in the charges for all these addresses to the central committee at 54, Queen-square?—We have.

2188. Have you had any repudiation of those accounts?—None whatever.

2189. Can you tell me what were the placards and bills put outside the committee-room, if any, of 54, Queen-square during the election?—I cannot remember.

2190. Was it placarded?—I do not remember.

Cross-examined by Mr. *Matthews*.

2191. Did Messrs. Leach and Taylor tell you to send the accounts to them?—They did not.

2192. You had an application at your office that your accounts should go in to Mr. Taylor?—We had one portion.

2193. And you declined to send it in?—We declined to send it in.

2194. When you have an order from another newspaper, do you allow a per-centage?—Yes.

2195. So that it is your advantage to get an order from a layman?—Yes.

2196. Was it with a view to procure that advantage that you went to what my learned friend is pleased to call the central committee-room, in order to get an order from some one not belonging to the newspaper press?—Not at at all.

2197. Why did you not take Leach and Taylor's order?—Some orders were forwarded through the "Times" and "Mirror."

2198. You told us you had an order from Leach and Taylor for the insertion of Mr. Miles's address?—Yes.

2199. Not content with that, you went to the committee-room?—Yes.

2200. Was that for the purpose of getting an order from somebody not connected with the newspaper press?—Yes.

2201. You said something about going to 54, Queen-square on the 3rd of April?—I do not remember the date.

2202. Is that so or not; did you go on the 3rd of April?—I cannot swear as to the date.

2203. May I take it that you did not go to Queen-square before the 27th of April?—I have been there before the 27th of April.

2204. Do you produce any order you got earlier than the 27th; what are you looking at?—Merely at an account, to refresh my memory.

2205. Is that an account of your own?—Yes.

2206. Can you show me any order earlier than that of the 27th of April, that you can produce?—I cannot, not of my own.

2207. Just let me look at that order (*The witness handed a paper to Mr. Matthews*).

2208. That is not the document I had before. (*It was handed by the Committee Clerk to Mr. Matthews*).

2209. This is what I want to see; just show me the insertion to which this order relates (*handing an order to the Witness*); was this order got after the insertion was made, or before?—This would be an order to insert, and this (*pointing to it*), a memorandum to our overseer.

2210. Is this the address?—That is the address itself.

2211. Had you had an order from Leach and Taylor to insert this before?—We had not.

2212. There is no date to this address?—This is an order for the insertion, I think.

2213. What does "repeat" mean, written upon that?—Repeat the advertisement.

2214. Put in twice?—No, once.

2215. Who wrote it?—I did it.

2216. Does "repeat" mean do it once?—To repeat it the following day.

2217. Does that mean putting it in twice?—It means putting it in once.

 2218. What

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2218. What should you say if you meant putting it in twice?—"Two insertions."

2219. Who has written that below, "charge Miles's committee"?—I did.

Re-examined by Mr. *James.*

2220. When was it that Messrs. Leach and Taylor asked you to send in the account to them?—Some time subsequent to the election.

2221. When was that, a week ago, or a month ago, or when?—Within my recollection, a fortnight ago.

2222. Since this petition was presented?—Just so.

2223. I see in the accounts they sent in to you, they direct you to "charge election committee"?—Yes.

2224. They sent you the order to charge the election committee, and since the petition they asked you to charge them?—Yes.

[The Witness withdrew.

Mr. Isaac Bush was called in; and, after being sworn, was Examined by Mr. *James,* as follows:

Mr. *I. Bush.*

2225. Do you live at No. 123, Temple-street, Bristol?—I formerly did, but I do not live there now.

2226. Did you live there at the time of the election?—No.

2227. Where did you live at the time of the election in Bristol?—In the same street.

2228. What are you?—Butcher and cattle dealer.

2229. Have you a vote for Bristol?—No.

2230. Do you recollect on Monday the 27th of April seeing Daniel Parsley?—Yes.

2231. Where was it you saw him?—Mr. Miles's committee-room.

2232. Is that the first place you saw him?—Yes, the "Lamb," in Old Market.

2233. Was that one of Mr. Miles's committee-rooms?—Yes, that was one of Mr. Miles's committee-rooms.

2234. Did you go there in consequence of any message you received, or of your own will?—I went there in consequence of a message I received.

2235. When you went there, did you finnd that that message had come from Daniel Parsley?—Yes.

2236. What time of the day was this?—Well, I cannot exactly say, about 11 or 12 o'clock. I cannot say to half an hour or an hour.

2237. What did Parsley say to you?—He asked me if I could be of any service to him, or the election committee of the Conservative party. I told him I thought I could, as there was no money to be had on the other party's side.

2238. Did he say anything else about money?—He said money was no object, so long as they could return Mr. Milesa sa Member of Parliament.

2239. What else did he say to you; anything then?—He said "very well; you employ 10 men at 5 *s.* a day each."

2240. Did he say for what purpose?—Well, they were of course to be as roughs.

2241. What did he say?—They was to be employed at the next morning of the nomination to hold up their hands, and so on.

2242. You were to give these men 5 *s.* each?—Yes.

2243. Where and when were they to attend?—Opposite the Council House.

2244. That was where the nomination took place?—Yes.

2245. And for whom were they to hold up their hands?—Of course for Mr. Miles.

2246. After he had spoken to you about engaging these men, did he say anything more to you about it?—Yes, he told me to employ, to bribe, as many as I could at 1 *l.* each.

2247. Did he say anything to you about a book, or what you were to do?—Yes, he told me to put down the names of those I could get, and I was to be sure not to put any excepting those that voted for Sir Morton Peto, and not anyone that voted for Mr. Freemantle.

2248. Was anything said about a book?—Yes, he told me to put the names in my book; accordingly I did so.

2249. After you had this conversation with Parsley, did you go anywhere?—Yes.

2250. Where did you go, and to whom?—I went to several parties that I knew, and I got the name of S. W. Andrews.

2251. Are you turning to your book, now?—No, just to refresh my memory with the names I have got.

2252. Have you got your book?—No, I have not got the book. I lost it out of my pocket, but Mr. Parsley took a leaf out of my book.

2253. Did you enter the names in the book?—I entered the same names in the book as I have got here.

2254. Put that down; give me the names of the persons you saw; try and recollect for yourself?—The two Andrews; Andrews senior and junior.

2255. You gave me the name already of S. W. Andrews; do you know the name of the junior one?—I believe his name is William, or S. W.; I am not sure which.

2256. Give me the names of both?—I believe they are S. W. and Samuel. I believe that Samuel is the younger, and Samuel William the elder.

2257. Do you know where they live?—Yes, they live in Redcross-street, I believe. I believe that is the place where they live.

2258. Do you recollect anybody else you saw?—Yes, I saw Edward Webb; he promised me he would vote for a sovereign.

2259. Who else?—James Ford.

2260. And have you got any other names that you recollect?—Yes, James White.

2261. Who else?—John Yandle.

2262. Do you recollect anybody else?—Yes, Robert Cousins.

2263. You saw these men; did you come to any agreement with them about their votes, and if so, tell me what it was?—Yes, I came to an agreement with them that they were each to have 1 *l.* a piece for the votes, excepting the two Andrews's; those parties were to have 15 *s.* each.

2264. And for whom were they to vote?—For Mr. Miles.

2265. After having seen these voters, did you return to the "Lamb" committee-room?—Yes.

2266. Did

2266. Did you there again see Daniel Parsley?—Yes.

2267. And seeing him, what passed between you and him?—Of course I took the names that I had upon my book.

2268. Had you at that time got the names on the book?—I had; I had the names on the book and took the book to him, and showed him the names, and I received 50 *s.*; that was to pay the 10 men for a day's work the day previous, and I received 1 *l.* each for the voters.

2269. How much did you receive for the voters?—I received 7 *l.*

2270. What came of the difference between the Andrewses 15 *s.*, and the 1 *l.* you got?—I had a man with me, Thomas Gilborson, and he received the one 5 *s.*, and I had the other.

2271. What became of the leaf in your book?—Mr. Parsley has it.

2272. You are quite sure that he took it and kept it?—Yes.

2273. You have not had it since?—No.

2274. Having obtained this money from Parsley, what did you do with it?—I paid 50 *s.* the first day. I told the men they were not wanted any more. I then only employed one man, and I found him using bad language, and I gave him half-a-crown in the middle of the day, and discharged him.

2275. From his language, I presume that was one of the roughs?—Yes.

2276. Now, let us come to the voters, please; what did you do about these people?—The two Andrewses, one I gave 15 *s.*, and the man I made remarks on, of the name of Gilborson, I gave him 15 *s.* to go with the other.

2277. Which was the Andrews you gave 15 *s.* to?—The younger.

2278. You gave Samuel William 15 *s.*, and 15 *s.* to Gilborson for the other Andrews?—Yes.

2279. What did you do after that?—Gilborson went to the poll with the other Andrews, and he told me he had seen him poll; and I asked him if he had had his money, and he said, yes.

2280. Did you see your Andrews' poll?—Yes. I stood close by his side and saw him poll.

2281. Did he vote for Mr. Miles?—Yes.

2282. Did you give him any money?—Yes; I gave him 15 *s.* I gave him 5 *s.* in a packet of halfpence and 10 *s.* in gold.

2283. What did you do with the other voters?—I thought it was using the money to a very bad purpose, and I kept it.

2284. Before you came to that resolution, did you apply to White and Cousins to vote?—Yes.

2285. What was the result; did you find that anyone else had taken them in hand?—Yes; I found that White and Cousins were in the hands of Hudson, at the "Pilgrim," in Temple-street.

Mr. *Giffard* objected to the evidence.

The Witness was directed to retire during the discussion.

In answer to the Chairman,

Mr. *James* stated that he could prove by the witness that he received some explanation which caused him not to pay the men the money.

The *Chairman* stated that Mr. James must confine himself to asking the witness whether he received some explanation which caused him not to pay the money, and that he must not ask what that explanation was.

2286. Mr. *James* (to the *Witness*).] Just follow my question, and only answer it yes or no, as I put it. You told me that you did go back when you got the money from Parsley, and see White and Cousins?—Yes.

2287. Have you had a conversation with them?—Yes.

2288. Do not tell me what they said; but did they give you some explanation why they would not vote and take the money that you promised to give them?—Yes.

2289. Did you also see James Ford?—Yes.

2290. Would he take the money?—No, he would not, not after all; he agreed to, but he would not take it.

2291. Did he give you any reason why he would not take it?——

Mr. *Giffard* objected to the question.

2292. Mr. *James.*] Now, upon the Friday after the election, did you call upon Parsley?—Yes.

2293. Where was Daniel Parsley at that time?—He was at his residence; at least at his place of business.

2294. Did you receive any money from him?—Yes.

2295. How much?—Five pounds to pay the other men for the two other days.

2296. What two days?—Two days prior to the election, and the day of the election.

2297. Were those the roughs?—Yes.

Mr. *Giffard* submitted that Mr. James ought not to go into intimidation after what Mr. Serjeant Ballantine had admitted.

Mr. *James* stated that the object of this examination was to prove the agency of Parsley.

The Witness was directed to retire during the discussion.

The *Chairman* stated that the examination might be continued in order to prove agency.

2298. Mr. *James* (to the *Witness*).] You said that you received 5 *l.* from him for the men; what men were those; were they the men that you have spoken of before as to go to the nomination?—Yes.

2299. Did you receive any money from him for yourself?—Yes, 30 *s.*, and 10 *s.* for Gilborson.

2300. You will excuse my asking you whether you paid Gilborson the 10 *s.*?—Yes, I did.

2301. How many times did you see Mr. Parsley in the committee-room, do you think, altogether?—Seven or eight times.

2302. Was that the same committee-room, the "Lamb"?—The same committee-room at each time.

2303. During what days were those seven or eight occasions that you saw him?—Two days prior to the election; I did not put down any date; I had my book, but did not put it down. I do not know the date even now, but it was two days prior to the election.

2304. What was he doing in the committee-room at the time that you saw him?—Taking active part the same as any other man.

2305. What sort of things was he doing?—He was engaged the same as he was with me, with everyone that had a mind to go to him.

2306. Did you see other persons go to him?—Yes, several; he had more people to speak to him than there is here.

2307. There are a good many here?—Well they were all waiting; he had hundreds of applications, I should think.

Cross-examined by Mr. *Giffard.*

2308. Tell me how much money did you receive

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ceive altogether?—About 17 *l.*, I think, as near as I can recollect, or 17 *l.* 10 *s.*

2309. That was the whole that ever got into your hand?—Yes, I think that was the whole.

2310. How much of it did your conscience induce you to keep?—Well, I paid the first fifty shillings; I paid Gilborson half-a-sovereign; I paid half-a-crown, and two Andrews' fifteen shillings each, and I believe that was all.

2311. Where is your book?—I lost it.

2312. When did you lose it?—I lost it out of my pocket.

2313. When?—Shortly after the election; I know who has got it now.

2314 You see it is not lost, if you know where it is?—In fact, it has been promised to be brought back to me; it has been lost out of my pocket; a friend told me, who picked it up; I have not been after it.

2315. I ask you when you lost it?—Something like a week after the election; it was merely a little pocket-book, in which I put down what I buy and sell in the shape of cattle, and so on.

2316. You say that you have heard afterwards who has got it?—Yes.

2317. Have you been to look for it?—No.

2318. When did you get notice to attend at this Committee?—Monday evening.

2319. Was that the first time?—That was the first time.

2320. Nobody took your evidence before that?—Yes; I went and gave my evidence to Mr. what's his name, some days before that.

2321. Who is "Mr. what's his name"?—Mr. Brittan.

2322. When was that?—I cannot tell you.

2323. Yes you can?—Not long before that I had to attend here; I did not put down the date; I cannot tell you.

2324. Now cannot you help me, about when was it?—I am sure I cannot say.

2325. About when, a week ago, or a fortnight ago, or what?—A fortnight or three weeks ago; it may be more than that.

2326. I suppose you told the gentleman who took it down in writing what you told us to-day?—Of course I did.

2327. And you told him about the pocket-book?—No; I did not tell him anything about losing the pocket-book.

2328. Could you recollect the names of the men without the pocket-book?—Of course I was acquainted with them.

2329. Where did you take that memorandum from that you have got in your pocket?—I took it from the house that I have been stopping at at the present time, so that I should not be lost for the names that were put down.

2330. You have lost that pocket-book, and never seen it, as I understand, since you lost it?—No.

2331. You said that you took down on a piece of paper something here to refresh your memory?—You were to get the 6 *s.*, as I understand, for voting, or pretending to vote, in the name of Mr. James Chapman?—Yes, upon the summons I had.

2332. Keep it in your pocket at present; I want to know where you got the entries that you have got on that piece of paper?—I had written it with a piece of black lead on the table.

2333. Did you get it out of your head?—Yes.

2334. Remembering the names, you put them down on a piece of paper to refresh your memory here?—Yes.

2335. You did not take those entries from any book or any other paper?—No.

2336. Simply out of your head?—Simply out of my head.

2337. If you could remember it to put down on paper, why cannot you now tell it to the Committee in the same way?—I see a man here that I know as well as my own brother, and I have been trying to think who he is, and I cannot.

2338. Is that the reason that you put down those names on the paper?—Yes; that I should not be at a loss to recollect their names here.

2339. Whatever you put down on the paper you got out of your head?—If you recollect when I pulled out the paper, you saw me look down the names.

2340. Tell me the names without looking at the paper?—Edward Webb, James Ford, Robert Cousins, James White; how many is that?

2341. Do you remember that you have to prove a certain number?—Of course, it is only seven; they are the same seven parties, I know that quite well.

2342. You know how many to prove?—Robert Cousins, and the two Andrews's, beside the other Ford; you see I am so forgetful.

2343. Are there two Cousinses?—No.

2344. Are there two Fords?—No.

2345. Now, perhaps, you will give me the names; you need not look at your paper?—Robert Cousins, the two Andrewses, the other Ford I gave you just now.

2346. Did you see these men altogether?—No; I saw them separately.

2347. Where did you see them?—I had seen them at their residence.

2348. Did you know them before?—Oh, yes; intimately acquainted with them.

2349. Friends of yours, in fact?—Yes.

2350. How long have you known them?—Oh, for years.

2351. All seven of them?—Yes.

2352. Did you know how they had voted on the last election?—Yes; excepting Cousins and the two Andrewses, Gilborson told me that they were always Liberal ——

2353. You said that you had known them intimitately for a long time; I want to know whether you know, of your own knowledge, how they had voted before?—I do not think Webb ever voted before.

2354. The others?—Yes; I know Yandle always voted Liberally.

2355. We will omit him; we have nothing to do with him at present; do you know, of your own knowledge, how the others voted?—Yes; I believe White always voted Liberal.

2356. You know that?—I cannot be sure.

2357. Had you any conversation with them how they had voted before?—Well, as far as Webb was concerned, I think he told me that he never voted before.

2358. What I am anxious to know is, those who have voted before. You have told me just now about Webb, that you believe he never had voted before; but you said that you knew of your own knowledge how the others had voted before?—I did not say that. I do not recollect saying that.

2359. Is it the fact that you know of the others (put Yardley and Webb out of the question), how they had voted before or not?—Yes, Liberal.

2360. You know that of your own knowledge?—Excepting it was the two Andrewses; Gilborson

son told me they had voted Liberal; I cannot say more than that.

2361. Do you mean to say you knew the two Andrewses have voted Liberal before?—No more than what they told me, and Gilborson told me.

2362. I wanted to know whether you knew of your own knowledge how they had voted on the last election?—Of course I could not tell of my own knowledge, unless I had seen them vote, or seen their names on the register book.

2363. Have you taken the trouble to do that?—No, I have not taken the trouble to do that; no more than what they told me.

2364. Have you seen the register book?—No; I have seen it afterwards.

2365. I mean before you went to them and tried to get their vote. Now, tell me, did you speak to the Andrewses, or either of them, before you went to bribe them to vote?—Yes, I did.

2366. Did either of them tell you whether they had voted for the Liberal candidate on the last election, or not?—They both told me they had voted for the Liberals; at least the elder did. I cannot say the younger did.

2367. You will not undertake to say the younger one did?—No.

2368. Was there any other of them that told you he had voted for the Liberal candidate?—Yes; Ford always told me he had voted for the Liberal candidate.

2369. And any other?—Yes; White, I believe.

2370. Would you swear?—I would not swear; but I believe he told me he had voted for the Liberal candidate.

2371. At the time you went to him to bribe him?—It was in the conversation; he wanted more than 1 *l.* Some were not as cheap as the others.

2372. Do you mean that he told you how he had voted?—He said he should not like to sell himself for so little as 1 *l.*; he wanted to get more if he could.

2373. I want to know what he told you about how he voted the time before?—I should not like to swear that he told me he voted Liberal.

2374. How do you know that he had?—He told me that he voted for Mr. Miles the last time, and that young Mr. Hudson bribed him, and gave him a sovereign, and Mr. Cousins told me he had a sovereign and 5 *s.* for two days.

2375. I am speaking of the election before?—I cannot say about the election before.

2376. Then you did not know which way he voted?—No.

2377. I thought you told the Committee that it was part of your employment only to bribe those who had voted on the Liberal side before?—Yes; at least, I understood him to say that he had voted that way before. I am not going to take upon myself to swear here that he said he voted that way.

2378. Will you undertake to swear that it was part of your briber's employment that you were only to bribe those that had voted on the last occasion for the Liberal candidate?—It was my employment; that was what I received the money for.

2379. You say you bribed this man, and yet you do not know how he had voted?—I will not swear, but I believe he told me he had voted Liberal.

Re-examined by Mr. *James.*

2380. You had to take back the list of the names to the committee-room to Parsley?—Yes.

2381. So Parsley could find out how they voted?—Yes.

2382. Have you seen Parsley in the lobby here to-day?—Yes.

[The Witness withdrew.

[Adjourned to To-morrow, at Eleven o'clock.

Tuesday, 23rd June 1868.

EDWARD HOWES, Esq., IN THE CHAIR.

The names of the Members were called over:—All present.

FREDERICK HEADLEY was called in; and, having been sworn, was examined by Mr. Serjeant *Ballantine*, as follows:

F. Headley.

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2383. Do you know a man named Horder?—I do.

2384. His name is Alfred Horder, is it not?—Yes.

2385. Do you know Mr. Woods, also?—Yes.

2386. You are a voter, are you not, for the city of Bristol?—I am.

2387. Did you vote at the last election?—I did.

2388. Did you receive anything?—Not for my vote; I did not.

2389. I am sure it was not for your vote; I could see that from looking at you; but did you receive anything?—After I had voted, a party came and gave me something to go and get a drop of something.

2390. Just tell us what it was?—I received half a sovereign.

2391. Who was the party?—I do not know the party as give it to me.

2392. Was it Cox?—I do not know the man's name.

2393. Was it Woods?—It was not Woods.

2394. Was Woods with the party who gave it to you?—I believe he was in company with him.

2395. The half-sovereign was not given you for your vote at all?—No.

2396. But merely as a matter of kindness?—No; I just said, "Are you not going to stand something?"

2397. Do these things happen often in Bristol, out of election times?—I do not know.

2398. They never occurred to you before?—No.

2399. Did you vote for Miles before?—Ever since I voted I have always voted in the Conservative interest.

2400. Do you know Ayre and Gathercole?—I do.

2401. Ayre is a son-in-law of yours?—He is.

2402. Were Gathercole and Ayre lodging at your house during the time of the election?—No.

2403. Were either of them?—No.

2404. Did they ever come there?—They visited me backwards and forwards during the election as a relation.

2405. Do you know Mr. Allsop at all?—Yes; he is a cabinet-maker, I believe.

2406. Did you see him at your house while Gathercole and Ayre were there?—I did not.

2407. Did you see Barry there?—I did not.

2408. When did you see Ayre last?—On the day of election.

2409. Have you not seen him since?—I have not seen him.

2410. And you have no notion where he is?—No.

2411. Have you had any information about him?—I have heard.

2412. From where?—I have heard parties say that they heard where he had been.

2413. That is going a little too far?—But not from him.

2414. Do you know Owen at all; William Octavius Owen?—Oh! by-the-bye, yes, I have seen the man, but have never had any conversation with him in my house.

2415. Where did you see him?—I saw him several times.

2416. Did you see him talking to Gathercole and Ayre?—No.

2417. Never?—I believe that he lodged in the same house with them.

2418. You believe that he lodged in the same house with them during the election?—I do not know, during the election, whether he was living with them; at the time of the election I cannot say.

2419. But about that time?—I could not tell. The last time I saw Owen, was when I came from Cheltenham. I came down by excursion train on Good Friday; and I met the man in Temple-street; but I have not seen him since.

2420. You do not know what has become of him then?—No.

[The Witness withdrew.

SAMUEL WILLIAM ANDREWS was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

S. W. Andrews.

2421. ARE you a freeman of the city of Bristol?—I am.

2422. And I believe you reside at Cherry-alley?—Yes.

2423. Do you know two men, one named Thomas Gilbertson and the other Isaac Bush?—I do.

2424. Did you see them at all before the nomination day about the election?—No.

2425 Did you see them canvassing at all, or did

did you see him first on the nomination day?—I see him come down to me on the Tuesday night, and he said to me, "Tommy——"

2426. Who came?—Gilbertson, and he said, "Who are you going to vote for?" and I said, "Morley is my man;" and he said, "The more damned fool you!" and I said, "I do not see that;" and he said, "You come and vote for Miles, and I will give you 15 *s.*: I have got a sovereign, and I shall have 5 *s.* for myself, and give you 15 *s.* if you will vote for Miles;" and I did not promise, and by that he went away; and he said, "You come down and bring the old man at eight o'clock."

2427. Who was the old man?—My father. I went down in the morning.

2428. Was that the Wednesday morning?—Yes.

2429. Where did you go to?—In Temple-street.

2430. What time first did you go there?—About ten minutes after eight.

2431. Who did you see?—Isaac Bush and Thomas Gilbertson and his father, and he says to me, "Good morning."

2432. Who spoke?—Thomas Gilbertson.

2433. What took place?—They took me up Bath-street, and asked me whether I could not poll in Temple parish, and I said, "I could not poll in Temple parish whatever; I must go to my own parish." Bush said, "I think you can vote in this parish;" and he met a gentleman coming from the polling-booth, and he said, "Cannot this here man poll in Temple parish?" and he said "No; he must poll in his own parish;" and he went into Hopkinson's to get change for a sovereign, but he could not get it. Whether they would not or could not give it him I could not say. He went up.

2434. Mr. *Matthews.*] Who is "he"?—Isaac Bush went in to get change for a sovereign.

2435. Mr. *James.*] What took place after that?—He, that is, Bush and me went up over the Bristol Bridge together, and up Bridge-street, and then, when we came to Chapel-street, he gave me 15 *s.*; a 5 *s.* packet of penny pieces and half-a-sovereign.

2436. This, I understand you, was Isaac Bush?—Yes.

2437. Did you then go to the polling-booth in St. James's?—In St. Paul's.

2438. Did you see Mr. Duggan there?—Yes.

2439. Was anything said in Bush's presence by Mr. Duggan to you?—Yes.

2440. What was it?—He said, "Andrews, you have got the wrong scrip." Bush made answer, and said, "No, he is not; he has got his right scrip."

2441. Did you then vote for Miles?—I did.

2442. I believe you went walking about, and about 12 o'clock did you go into any house?—Yes.

2443. Where was that?—At the porter stores, at the corner of Philadelphia-street; the "Headfort."

2444. What did you go there for?—For refreshment.

2445. Had anybody told you that you could get refreshment there?—Mr. Charley and Mr. Allsop.

2446. What did they tell you?—That if I wanted to get anything else, I was to go to the "Headfort," the porter stores, at the corner of Philadelphia-street and Rosemary-street.

2447. Did you go into there to get anything to eat or drink?—Yes, I did.

2448. What did you get?—Eggs and bacon, and coffee, bread and butter.

2449. Did you pay anything for it?—No.

2450. Were you asked to pay?—No.

2451. Did you see other people eating and drinking there?—Yes; I see five voters.

2452. Did they pay anything?—No.

2453. Or did you hear them ask for anything?—No.

2454. And was there anything else being eaten, or were they all eating the same thing?—Some was having ham.

2455. Did you see Mr. Charley between one and two in the afternoon?—Yes.

2456. Did he say anything to you about your receiving anything?—I asked what the handsome present was as I was going to have.

2457. What caused you to ask him that?—Because he promised me.

2458. When?—The same day, before I polled.

2459. What did he promise to you?—He said as I should be handsomely rewarded if I would come and poll for Miles.

2460. Who is Charley?—A painter in St. Paul's.

2461. Now go back again to what you said to him; you said something about a handsome present; what did he tell you?—He told me to come up after I had been and polled, and I should have it.

2462. And you met him in the street, and you asked him again?—He said that he and Mr. Allsop would see me together, and that Allsop would see me righted.

2463. Did he tell you where you were to go to?—No.

2464. Where did you go?—I went to Charley's house.

2465. What did he say?—He said, "How do you do, Mr. Andrews; please to walk inside;" he gave me half-a-crown; he says, "This I give you out of my own pocket, and it must not be known;" and he came to me afterwards and said, "Andrews, I shall trounce you; I shall put you to prison;" "What for?" I says; he says, "For letting people know what money I gave you."

2466. Did you see Allsop afterwards?—The next day.

2467. Where did you see him the next day?—At his office.

2468. What did you say to him?—I asked him what he would give me, as he promised to give me a handsome reward; I went there, and he gave me a letter.

2469. When was it that he gave you a letter?—On the Thursday.

2470. To whom was that letter directed; what has become of the letter?—I had to take it down to Mr. Sheet, to Mr. Ossett.

2471. From whom did you first receive this letter?—Mr. Sheet.

2472. Who is Sheet?—A publican in St. Phillip's.

2473. What caused you to go to him?—I happened to be going down there, and I went and called in, and he gave me a letter to take to Mr. Ossett's.

2474. What became of that letter?—The letter was open; I could not read it myself, and I gave it to somebody else.

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2475. Did you ever take it to him?—Yes.

2476. Did you read it?—Yes, and he read that too, and gives me another one.

2477. You kept the envelope, I think?—Yes.

2478. Is that the envelope (*handing the same to the Witness*) of the letter which Sheet wrote for you?—Yes.

2479. It is addressed to Uriah Allsop, Esq., Broadmead; now what did Allsop tell you to do?—To come down 14 days after the election.

2480. Did Mr. Allsop give you another letter?—Yes.

2481. Did he tell you to give it to anybody?—Yes, to Mr. Sheet.

2482. Did you go back with the letter from Mr. Sheet to Mr. Allsop?—Yes.

2483. You went from Mr. Allsop back to Sheet, and Sheet gave you a second letter?—Yes.

2484. This is the envelope of the second letter (*handing the envelope to the Witness*)?—Yes, that is the envelope of the second letter; this is addressed to Henry Allsop, Esq., Broadmead.

2485. What did Mr. Allsop say to you, if anything, when you went back with the second letter?—You must take that back to Mr. Sheet.

2486. When you got to Allsop what did he say to you?—He said you must take this back to Mr. Sheet.

2487. Did he say anything else?—He said I have paid up to the very last minute, but these humbugging Radicals have put a stop to it.

2488. Did he say anything then as to what you could be paid?—He said I could not give you anything; not before 14 days after the election; you come on Thursday week, he says, and I will handsomely reward you.

2489. Did you show this letter to any one?—Yes.

2490. To whom?—To Mr. Adams and to Mr. Box, I believe.

2491. What letters were they that you showed to Mr. Adams and to Mr. Box?—These two.

2492. I am not speaking of these two envelopes which the letters were in, but of the letters themselves; you say a party read them; who was that?—Mr, Adams and Mr. Box; they were the two.

2493. They read them?—Yes.

2494. Did they read them out to you?—No.

2495. *By the Committee.*] You mean that you showed both these letters to Mr. Adams and Mr. Box?—Yes.

2496. Mr. *James.*] Were they letters that Allsop wrote, or that Sheet wrote?—The one that Allsop wrote and that Sheet wrote.

2497. One each?—Yes.

2498. When did Sheet write these letters?—I cannot exactly say the day of the month, but it was on the same day that I went; the second day, I believe, after the election.

2499. How was it that you came to keep them; I am speaking of the letters themselves; how was it you came to keep the contents of the letters?—I did not keep them; I showed them.

2500. How was it that you had them in your possession to show to Adams and Box?—I had to take them.

2501. Did you take them or keep them?—I took them.

2502. Then how were you in a position two days afterwards to show them to Adams and Box?—I had a copy.

2503. Who made the copy for you?—Adams.

2504. But when did he make that?—I could not say the day of the month.

2505. And we understand you that you delivered the letters to Sheet, and to Allsop?—Yes, after they were copied.

2506. They were copied first?—Yes.

2507. You say that Adams made a copy?—Yes.

2508. And was it on the Thursday or the Friday that all these letters passed?—I believe it was on the Friday.

2509. And what became of them; did you show them to Adams?—Yes.

2510. And then you took them and delivered them to Allsop?—Yes.

2511. And then Allsop had them?—Yes.

2512. Is this Uriah Allsop?—It is.

Mr. *Allsop* having been called in,

2513. Mr. *James* (to Mr. *Allsop*).] Will you be kind enough to say yes or no to this question. Do you produce a letter written by Mr. Sheet to you, delivered by this witness to you?—No.

2514. Your name is Uria Allsop?—It is.

[Mr. Allsop was directed to withdraw.

Cross-examined by Mr. *Matthews.*

2515. Who is Mr. Adams?—I do not know; he was a gentleman at the Liberal rooms.

2516. Is he secretary to the Liberal Registration Society?—That I cannot say.

2517. How long have you known him?—Only since the election.

2518. When did you make his acquaintance?—On the Friday after the election.

2519. How came you, on the Friday after the election, to be so confidential with Adams, as to show him letters that had been entrusted to you?—I went up and told him what I had had.

2520. Why did you go and tell him?—I went up to the Liberal office, and there, who should I see but Mr. Adams.

2521. What took you to the Liberal office?—If I had not went down there, there was a next-door neighbour who was looking over the wall, and the man as came was pretty well tipsy, and he offered me the money, and if I had not gone and given myself up, he might go and tell.

2522. One man was looking over the wall, and another was tipsy, so you went to Adams?—Yes.

2523. Who was the tipsy man?—Gilbertson.

2524. Who was the man looking over the wall?—My next door neighbour.

2525. What is his name?—Hill.

2526. So that because Hill was looking over the wall, and Gilbertson was tipsy, you went to see Adams?—Yes.

2527. Did anybody tell you to go and see Adams?—No.

2528. Then what did you go there for?—I thought I was doing wrong, so I went and gave myself up.

2529. Why did you go to Mr. Adams rather than anywhere else?—I thought I would go there.

2530. Upon your oath, did you speak to Adams before the Friday?—No.

2531. Who have you spoken to?—I spoke to Mr. Duggan.

2532. Who

2532. Who is he?—He keeps an oil and colour shop in Milk-street.

2533. Is he a voter?—Yes.

2534. Did he come from Mr. Adams?—Yes.

2535. When?—I believe it was on the Thursday night.

2536. What did he say to you?—He said, "Andrews, how came you to be so foolish after you came to give in your name to be a member of the Liberal Association, and you promised me your vote for Mr. Miles?"

2537. Did he tell you to go up and see Mr. Adams?—No; he says, "Did you have any money?" I said, "Yes, I had 15*s.* off one, and half-a-crown off another." "Oh," he said, "you come up to the Liberal office in the morning."

2538. You knew you should find Mr. Adams?—I did not know Mr. Adams.

2539. But that was what took you to the Liberal office and Mr. Adams?—Yes.

2540. Was it after you had seen Mr. Adams, that you first got this letter you have spoken of?—Yes.

2541. Who is Mr. Box?—A gentleman here.

2542. The gentleman with the light beard, just at the end there?—Yes.

2543. He was called by another name; I think he was called Cox?—It is that gentleman at the end.

2544. As I understand, you got one letter from Sheet, and two letters from Allsop?—One from Allsop; no, one from Sheet, and two from Allsop.

2545. Who opened those letters?—I opened them my own self.

2546. Did you tell Sheet that you had lost your situation through having voted for Mr. Miles?—I told Mr. Allsop.

2547. That you had lost your situation through having voted for Mr. Miles?—Yes.

2548. Did you ask him to find you another?—No.

2549. What was the use of telling him that?—For the purpose of seeing what he was going to give me.

2550. Was it true that you had lost your situation through having voted for Mr. Miles?—No.

2551. Then you told him a lie?—Yes.

2552. Were you told that by Box or Cox, that that was the best way to begin?—No; it was out of my own head.

2553. You told Adams and Box that you were going to say that to Adams?—I told him after I came back, but not before.

2554. Did you not tell me just this minute that you did?—Yes; I told him that after I came back.

2555. Did you not tell him that before you went?—It was after I had come down; he says, "I cannot do nothing for you."

2556. Then how did you open the letters?—I found one was open, and the other I breathed on.

2557. One was given to you open?—Yes.

2558. And the other you breathed on and unstuck?—Yes.

2559. Did you deliver these letters to Allsop?—Yes; the inside of them.

2560. How came you to keep the envelopes?—That was how I arranged it at first.

2561. How came you to keep the envelopes?—I took the letters back; what was inside of them, the letters without the envelopes.

2562. Do you mean to say you delivered to Allsop the sheet of paper without any envelope?—One.

2563. But you have got both envelopes there?—Yes.

2564. But you told me, not a minute ago, that you gave Sheet one letter, and Allsop two?—Mr. Sheet and Mr. Allsop; yes.

2465. You told me, not a minute ago, that you gave Mr, Sheet one, and Mr. Allsop two?—Yes.

2566. You produce to-day two letters directed to Allsop?—Yes.

2567. Where did you get the second letter addressed to Uriah Allsop, Esq.?—I had one of these to bring Mr. Sheet, and Mr. Allsop told me to bring it, and I said I should not be able to come; if I was to come on a certain day he would not know me; he said, "Then bring down this envelope and I shall know it, and shall pay you."

2568. Who said that?—Mr. Allsop.

2569. Then did you get the second envelope; Mr. Sheet only got one letter? — Mr. Allsop gave me one of the envelopes back again; he said, "You take this back again, and I shall know you again."

2570. But Sheet only wrote one letter?—To Allsop.

2571. Then where did you get this second letter directed to Uriah Allsop?—

2572. Did you tell me that you had only one letter from Mr. Sheet?—I had two from Mr. Sheet.

2573. And how many from Allsop?—I had one; I had three from both of them.

2574. Then what was it; was it one from Sheet and two from Allsop; or two from Sheet and one from Allsop?—Two from Sheet; the first one I had from Sheet I took up to the Liberal rooms.

2575. Where there two from Allsop?—There were two from Sheet, and one from Allsop.

2576. Then, again, I must ask you how you came to keep both of the envelopes?—I took one up to the Liberal rooms to show, as I was to call there on a certain day after the money, and I could not have it without bringing my envelope.

2577. How came it that you kept the envelope?—There was one as I did not take back.

2578. But you produced both the envelopes; how came you to keep both the envelopes?—I had to take both, and one was opened.

2579. Was the first opened or the second?—The first.

2580. And did you deliver that letter without the envelope?—I will not say.

2581. Again, will you explain how you came to keep back both the envelopes?—I had one as I did not deliver.

2582. Did you give both those letters to Mr. Adams, or to Mr. Box?—It was Mr. Adams.

2583. Did you open them?—No.

2584. Did he open them?—No, I opened them myself.

2585. Did you take them out?—Yes.

2586. Did he keep the envelopes?—Yes, he kept them after I had taken them up.

2587. But you must have brought tbem back?—I did not take one after Mr. Allsop told me that he could not do anything for me,

2588. You have also told me that there was one

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one of those letters that you did not take at all, and the other you did take?—The other I did take.

2589. Did you take it without the envelope, or did you deliver it to him in the envelope?—In the envelope.

2590. Then how did you get it back?—Mr. Allsop gave it to me, and I was to come on a certain day to get the money, with the envelope to show that I was the same man. Mr. Allsop said if I came 14 days after the election he would not know me. He said, "You take this envelope, and if you bring this I shall know you."

2591. Mr. Allsop said he would not know you?—No; I said that.

2592. But you said that Mr. Allsop called you by name?—After the work is done they do not know you; they promise you money, and when the poor man goes and asks for it, they say, "Be off, I do not know anything about you."

2593. Did you tell Mr. Allsop that he would not know you?—Yes, I did.

2594. Did you ask him for the envelope back?—No, I asked if I should take a note for a certain day, and he pulled the envelope out of his pocket, and says, "Take this."

2595. Had he got the envelope in his pocket when he answered you?—Yes.

2596. Had he put the note back into the envelope and back into his pocket?—No, he put the note into his pocket, and give me the envelope.

2597. Who made those marks on the envelope?—Me.

2578. When did you make those marks?—On the Friday; the same day as I received this.

2579. Did you take the envelope straight back to Mr. Adams?—Yes.

2600. And you left it with him?—No, I did not leave it, but after he had read it I took it.

2601. But I am speaking of the envelope without the letter; did you leave it with him?—Yes.

2602. What day was it when you say Mr. Bush paid you?—On the 29th of April, on the Wednesday.

2603. As I understand, you went to Mr. Allsop, saying you had lost your situation, and asking to be paid for having voted?—Yes, I did, after he promised me what I should have.

2604. What trade are you which makes you a freeman?—A painter.

2605. How long have you lived in Bristol?—All my life.

2606. Have you always voted on the Liberal side?—No, I have not always voted on the Liberal side, because I did not take up my freedom till four or five years ago; I voted for Berkeley and Peto the last time before this.

2607. Is that the only time you ever voted?—Yes.

2608. And you were well paid that time, I suppose?

Mr. *James* objected to the question,

Re-examined by Mr. *James*.

2609.. You say Mr. Duggan came to you on Thursday evening; was that the Mr. Duggan who had interfered at the poll, and said you had got the wrong scrip?—Yes.

2610. Now you said Mr. Allsop promised you something in the committee room?—Yes.

2611. When was it, and what was it, that he promised?—The same evening of the election.

2612. The polling or the nomination?—The nomination.

2613. What committee-room was that in?—Pritchard-street.

2614. What did he promise you?—He said he should reward me if I would vote for Miles.

2615. Will you state what Mr. Allsop promised?—He did not promise me anything, but he said he would handsomely reward me if I would vote for Mr. Miles.

2616. What was Mr. Allsop doing at the committee-room at that time?—He was showing people where they could have some refreshment.

2617. Where were the refreshments?—In Pritchard-street.

2618. Was that in the committee-room?—Yes.

2619. Had they then been having refreshment?—Yes.

2620. Mr. Allsop was showing them where to have refreshment?—Yes, and leading them up stairs.

2621. *Chairman.*] Did you not say that somebody was with Mr. Allsop when he said that?—Mr. Charley.

2622. Mr. *James.*] I understand you to say you met Mr. Allsop with Mr. Charley in the street?—Yes, but that was before.

2623. Was it when you met him that he said that?—It was when I went up to have my supper.

2624. Was it in the street?—In the rooms.

2625. How many people were in the rooms?—About 45; I sat down drinking porter, and Mr. Allsop handed me a bottle of porter, and I said, "That was the wrong stuff for me, for I did not drink it."

2626. Did Mr. Allsop say that in this room when there were 45 people there?—He said that he would handsomely reward me.

2627. *By the Committee.*] Who said he would handsomely reward you?—Mr. Allsop.

2628. Mr. *Matthews.*] In the room where there were 45 people?—Yes.

2629. How large was the room?—It was a very large room.

2630. Was that while you were at the table?—Yes; and he came and whispered in my ear that he would handsomely reward me if I would vote for Miles.

2631. Where was Charley when he said that?—On the landing.

2632. Outside; not in the room?—Yes, outside.

[The Witness withdrew.

WILLIAM ANDREWS was called in; and, having been sworn, was Examined by Mr. *Norris*, as follows:

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2633. Do you live in Wellington-buildings, Redcross-street, Bristol?—Yes.

2634. And you are a freeman of the city of Bristol?—Yes.

2635. What number on the register?—I forget the number.

2636. Did you see Gilbertson on the Monday previous to the election?—Yes, he came to my house.

2637. What did he say to you?—In fact, I was not at home, not when he came first, but he told my wife.

2638. When he came again and saw you, what did he say then?—He said he had half a day's work to give me, and that I should be well paid for it.

2639. What else did he say?—Nothing more, only to come in the morning appointed to his house.

2640. Did he say anything about Bush?—He said Bush and him was together; Bush and him was like partners together on the job.

2641. Did you agree to meet him the next morning?—Yes, I did go and see him the next morning at Bush's house.

2642. What time was that?—About ten o'clock; between nine and ten.

2643. On your way there did you meet anybody?—I met my son and Isaac Bush going to the poll.

2644. After that, what did you do?—They told me to ——

2645. Who told you?—Isaac Bush.

2646. Had you then to go anywhere?—I had to go to his house, and I should see Gilbertson there.

2647. That was the man who called upon you previously?—Yes.

2648. Did you go there?—Yes, I went, and waited against Isaac Bush came back.

2649. When Isaac Bush came back what took place?—He gave Gilbertson the money to go with me to the poll.

2650. What money?—Fifteen shillings.

2651. Did you get the money from Gilbertson?—Yes.

2652. Was Bush present?—Bush was present when he gave it me.

2453. Bush was present when Gilbertson gave you the money?—Yes.

2654. And after you had voted for Miles, did Gilbertson give you money?—Yes, in the old market-place.

Cross-examined by Mr. *Matthews.*

2655. Had you been talking to Mr. Adams also?—Yes; well I did speak to him; but it was a week or two before the time.

2656. What time?—Before the election he called at my house.

2657. Did he call at your house more than once?—No; four or five of them called there, Mr. Rich and others.

2658. Who besides Adams?—Mr. Rich and Mr. Sheet and one other; I do not know his name.

2659. Was Sheet with Adams?—They were together.

2660. Sheet and Adams are friends, are they?—Yes, they were together.

2661. Did any of those gentlemen call upon you more than once?—Yes, twice.

2662. Three times, perhaps?—No, I think not.

2663. How soon after the election did you see any of them again?—The next day I see Mr. Sheet.

2664. Did you see Adams the next day?—No; the day after I did.

2665. Did you see neither Adams nor Sheet on the day of the election?—No.

2666. What Mr. Adams are you speaking of; I am told there is some confusion?—Mr. Adams, of the seed factory, in the old market.

2667. Do you know Mr. Adams, who was up at the Liberal Rooms?—No.

2668. Did you see anybody on the Liberal side before the election?—Yes.

2669. Who was that?—In fact, I do not know their names. I know them by sight; one keeps a shoemaker's shop, and another was a plumber's shop; but I do not know their names.

2670. Have you been to the Liberal office since the election?—Yes.

2671. When?—Not before this affair took place.

2672. Did you go up with your son?—No; after this he went up and stated the case.

2673. Your son told us that he went on the Friday after the election?—I could not tell the exact day.

2674. What made you go up to the poll?—I understood we should be put in prison if we did not go.

2675. You were rather frightened?—I did not like the idea of being imprisoned.

Re-examined by Mr. *James.*

2676. Did persons come and call upon you for Morley?—Yes.

2677. Did they tell you to go and get 15 *s.*, or was any arrangement made with these Liberal persons?—Not at all.

[The Witness withdrew.

JOHN FLOWER was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

J. Flower.

2678. ARE you a smith living at the New Cut, Bedminster, Bristol?—Yes.

2679. And are you a voter for that city?—Yes.

2680. On the Sunday before the polling-day, did you see two men of the name of Rich and Duffady?—Yes.

Mr. *James* stated that they were not in the list of bribers.

2681. In consequence of something they said to you, did you afterwards see Mr. Mervyn King?—Yes.

2682. I believe he is the nephew of Mr. Richard Pole King, the gentleman who proposed Mr. Miles?—Yes.

2683. What took place between you and Mr. King?—This Duffady——

2684. You must not tell us what they said?—They took me to the committee-room.

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2685. What Committee-room is that?—I forget the name of it; it is close to the "Ship" Inn, on Redcliff-hill; it is opposite the "Ship."

2686. Was that opposite to Mr. Miles's committee-room?—Yes.

2687. Where did you see Mr. Mervyn King?—Outside the committee-room.

2688. What took place between you and Mr. Mervyn King?—These two men introduced me to him, and he asked me what I wanted. I told him I did not want anything. Those men had promised me 5 *l.* before, but I said that I did not want anything more than that he would employ me as a smith when Messrs. Danville had given up business.

2689. What business does Mr. Pole King carry on?—He is a merchant, and sends out a good bit of smith's work to the Cape.

2690. What did he say?—He asked me if I had taken Mrs. Danvelle's business. I said, "No; I could not agree with her;" and he said that as soon as she left it, I should call upon him and his partner, and they would employ me the same as they had her previously.

2691. Was this after he had asked you what you wanted to have?—Yes.

2692. Was King then called away?—At that time Mr. Lucas came up.

2693. Is that Mr. Frederick Lucas?—Yes.

2694. He was the chairman of the Bedminster committee-room; did Mr. Lucas hear what Mr. King said?—Yes, he did.

2695. Did you see Mr. King and Mr. Lucas, or did you go with Mr. King and Mr. Lucas into the committee-room that you have spoken of?—Yes.

2696. And I believe those two men, Rich and Duffady, went in with you?—Yes.

2697. Did you have anything to drink then?—Yes.

2698. Who gave it to you?—King and Lucas was talking to me; somebody came up, and called them away, and they told me to help myself.

2699. Who told you?—I do not know who told me; one of the two.

2700. What was there on the table?—bottled porter and bottled ale.

2701. Was anybody else drinking?—Only us three; Rich, Duffady, and myself.

2702. You did not pay for it?—No.

2703. You say they were called away?—One of the clerks who was in the committee-room asked me to go down and vote.

2704. I believe you did go into the street?—I went out of there, and he called a cab; this clerk in the committee-room called a cab, and I would not go into the cab; I said I would walk down.

2705. Whilst going down did a man named Skilton overtake you?—Yes, he met us.

2706. Who was that who was with you?—A man of the name of Jesse Howes.

2707. What did Skilton say?—He asked if we had voted, and we said, "No, we were going to get something to eat;" and he said, "Who are you going to vote for?" and Jesse Howes, I think, replied, "We do not know yet who we are going to vote for, and what do you want to know for?" and Skilton said, "I suppose you want a bit of stuff," and Jesse Howes said, "That is just the thing we do want."

2708. What did Skilton say to that?—"Come along with me, I will get some for you."

2709. Did that man, Howes, and yourself go with Skilton?—Yes.

2710. Where to?—To Mr. Parsley's shop; he went to look for Mr. Allsop first, and he could not find him, and he went to Mr. Daniel Parsley's shop.

2711. Did you go anywhere else besides to Parsley's shop?—Yes, we were to go to find him at the committee-room.

2712. That was the committee-room of Mr. Miles?—Yes.

2713. Did you go to the committee-room?—Yes.

2714. Did Skilton go into the committee-room?—He went in, and brought Mr. Parsley out of the committee-room.

2715. Was anybody with him?—Yes, his son.

2716. Did he say anything to you when he came out?—He asked what we wanted.

2717. What did you answer?—Jesse Howes replied, "a score."

2718. What did that mean?—I suppose it meant 20 *l.*

2719. What did he say?—"We do not want you, we have one already;" and then says Jesse Howes, "Oh, we will not vote at all;" and then seeing we were going away, Parsley said, "Is a quid a-piece any good to you?"

2720. What did Jesse Howes say to that?—He stopped a bit, and asked me if I would take it, and I said "No, I would not take it;" I said "I would not vote at all;" he said, "Oh, damn it, let us have it; it will pay our expenses for the day."

2721. What took place then?—Parsley says, "are you going to have it," and Howes says, "Tip it over," and Parsley says, "No, go and vote first;" and I said, "No, I will not vote before I get the money, because at the last election I was promised 5 *l.* by the Tory party, and never got a farthing."

2722. Did you get into the cab then?—He said he would send his son with us, and he would give us 1 *l.* a-piece; I said, "I do not know your son," but he said he was all right, and we went over to Bedminster and voted; and on the road going down he would not give me the sovereign, but I said I would not vote before I had it. I thought they would play me the same trick they did before.

2723. When Howes said he would not vote, what did young Parsley say?—He said he could please himself about voting, he had not got two votes at the same place, that I had, but he said, "Now you go and vote, and then you shall have it;" but I said I would not vote without the sovereign, and then he said, "I will give it to Jack to hold."

2724. Who was Jack?—Skilton. And Jack held it; and Jack and he went up, and I voted, and he gave me the sovereign.

2725. Jack got the sovereign, and held it?—Yes.

2726. And young Parsley went up with you?—Yes.

2727. And then did you vote for Miles?—Yes.

2728. And then did you receive the sovereign?—Yes, and I went back to the room in a cab, and Jesse Howes and young Parsley had a row, and young Parsley was going to pitch into him, going back in the cab.

2729. Had he voted at that time?—He had not voted; I said, "If you perform on him I shall perform on you."

2730. What

2730. What was the result; did Howes vote or not?—I was not present.

Cross-examined by Mr. *Matthews*.

2731. You appear to be a man of business?—Sometimes.

2732. Is it your habit to bargain for your vote in this way?—No, Sir; I voted at our election previous to this, and I voted for Sir Morton Peto, and I never had the value of the thousandth part of a farthing; and I went out of my shop, and other people came and told me what they had, and I thought I might as well have 1 *l.* as anybody else.

2733. Did you know Parsley before?—I have known him for years.

2734. Was Howes the only man there was with you?—When?

2735. When you went to ask for the money?—Skilton, and Howes, and me was the only three that was there.

2736. What is he?—I do not know what he is. I know he is a good skittle player; that is all I know about him. *J. Flower.* 23 June 1868.

2737. You have played with him?—No; I never could play with him in my life.

2738. You have played at bowls with him, perhaps?—No, I never played at bowls with him; it would be no use for I to play with him.

2739. You have no acquaintance with Skilton?—None whatever, to speak of.

2740. Have you known Howes?—We were friendly.

2741. Could you tell me whether Skilton is a working man?—I do not know what he is. I know that I have told you all I know of him; whether he does any work, or keeps a house, I do not know. I have heard his name about a good deal, playing at skittles, that is the only thing I know of him.

[The Witness withdrew.

William Ellicott was called in; and, having been sworn, was Examined by Mr. *Norris*, as follows:

2742. Do you live in Bristol?—Yes.

2743. Are you a voter?—Yes.

2744. Did James Sale come to you the day before the polling?—Yes.

2745. What did he say to you when he came?—He asked whom I was going to give my vote to; I told him I had not exactly made up my mind, but he said if I minded to vote for Mr. Miles he could give me 1 *l.*

2746. When you had this liberal offer of 1 *l.* made to you, what did you say to Sale?—I told him I would accept it; he brought it to me on the morning of the poll.

2747. Were you to give Sale anything?—Yes.

2748. What?—10 *s.*

2749. On the morning of the poll did Sale come to you?—Yes.

2750. And give you a sovereign?—Yes.

2751. Did you give him back a half of it?—Yes.

2752. Who did you vote for?—Mr. Miles.

Cross-examined by Mr. *Matthews*. *W. Ellicott.*

2753. What are you?—Boot and shoemaker.

2754. A working man?—A master man.

2755. How many workmen have you under you?—I chiefly work by myself in the bespoke trade, and with my son.

2756. What have you had for coming up here?—I have had my expenses.

2757. Do your expenses include the new suit of clothes you have got on?—New?

2758. Do you mean to say that those clothes are not new?—I have had them some time.

2759. Have they not been made for the purpose of coming up here before the Committee?—No.

2760. Who is Sale?—James Sale lives in Bristol.

2761. What is he?—A clogmaker.

2762. A working man?—A master man.

2763. Is he a friend of yours?—Yes, I have known him.

2764. How long?—Theseseven or eight months.

[The Witness withdrew.

James Sale was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

2765. Do you live at 7, Clarence-road, St. Phillip's, Bristol?—Yes.

2766. Have you a vote for the city of Bristol?—I have.

2767. I believe you were canvassed previously to the election by Mr. Dix, solicitor?—Yes.

2768. On the night before the polling, or the nomination day, did you go anywhere?—To the "Lamb."

2769. Was that the committee-room of Mr. Miles?—Yes.

2770. Did you see a man named Daniel Parsley there?—Yes.

2771. In what room was it that you saw him?—I do not know whether you call it the parlour, or what.

2772. Do not tell me what was said, but did you learn from Mr. Parsley that your name had been mentioned to him before?—No.

2773. What was said?—I said there was three more beside myself, and he asked what I wanted for them; I said I do not know; he said, I suppose 5 *l.* will do, and I said, "Yes." *J. Sale.*

2774. Now, did Mr. Parsley make any request to you about calling again?—Yes.

2775. What was that he asked you to do then?—About a party?

2776. No. When he asked you, tell me the words he used; what did he say?—I cannot exactly say.

2777. Will you kindly tell us what you recollect, as nearly as you can; what he said about calling again?—He asked me if I had got the scrips.

2778. The scrips of whom?—Of Ellicott, Smith, and Banwell.

2779. Had you, or had you not, seen these men before you went to Parsley?—No.

2780. Had you got their scrips?—Yes, after.

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2781. When Parsley asked you this at that time, had you got scrips or not?—Not the first time.

2782. Now tell me what it was that Parsley said to you about calling again?—About getting the scrips.

2783. Tell us what he said; you had a conversation with Mr. Parsley about your calling again?—I could not exactly say.

2784. I do not want the exact words, but what was the effect of it?—About voting for Morley.

2785. We are asking about calling again; when were you to call again, and where?—In two hours after.

2786. Was that what Mr. Parsley told you?—Yes.

2787. Did you leave Parsley then?—Yes.

2788. And where did you go to?—I went to see Banwell and Ellicott.

2789. Did you see them?—Yes.

2790. What did you say to them, if anything?—I asked them for their scrip.

2791. Did you say anything else to them about their votes?—Yes, that I could get them 1 *l.* each.

2792. What did they say to that?—They said that would do.

2793. But were you to have any of it back from either of them?—Ellicott gave me a half-a-sovereign.

2794. Did you get a scrip from them?—Yes.

2795. From two men or from three men did you get the scrip?—From three men.

2796. From whom did you obtain it?—I got four altogether.

2797. Who were they?—Samuel Cox James, John Ellicott.

2798. Was that the last witness who came into this room?—Yes.

2799. Who else?—Joe Smith and John Banwell.

2800. Having obtained the scrips, what did you do?—I went to the "Lamb."

2801. Went where?—To the "Lamb."

2802. Was that at the end of two hours, or not?—Yes.

2803. Who was it that you saw at the "Lamb"?—I saw Parsley and Walker.

2804. Where was it that you saw them?—In a little room up stairs.

2805. In Mr. Miles' committee-room?—Yes.

2806. And what did you say to them?—They asked me if I had got any scrips, and I said "Yes;" they asked me to let them look at them, and I gave them to them.

2807. Very well, what then?—They asked me if I wanted any money, and I said "Yes."

2808. Well?—I said I wanted the money to pay the freemen, or they would not come. He told me to go down stairs again, and he would see me in a bit.

2809. Who said that?—Parsley and Walker.

2810. Did you go down stairs?—Yes.

2811. Where did you go to?—Into the "Lamb" parlour.

2812. What did you do?—Walker came and called me out, and we went down into the "Lamb" yard.

2813. Now, in the "Lamb" yard did you get anything?—Six half sovereigns.

2814. From whom did you receive that?—From Walker.

2815. About what time was this?—Between 11 and 12.

2816. In the evening or the day, or what?—In the night.

2817. What did you do with the six half sovereigns?—I gave Smith a half sovereign that night.

2818. Is that the Smith you have mentioned?—Yes.

2819. Did you give him anything else the next morning?—Half a sovereign.

2820. A second?—Yes.

2821. That disposes of two; now to whom, if to anybody, did you give anything else?—To Ellicott a sovereign.

2822. Did you get any of that back, or not?—Half a sovereign.

2823. To anybody else?—To John Banwell.

2824. What did you give to him?—A sovereign.

2825. Did you get any of that back?—No.

2826. After you had given these men the money, did you see any of them polled?—Yes.

2827. Who did you see polled?—Smith and Banwell.

2828. They polled for Miles, I believe?—Yes.

2829. Did you see any one go with Ellicott up to the poll?—Walker.

2830. Did you, yourself, vote also for Miles?—Yes.

2831. What time was it when you polled?—Between eight and nine.

2832. Did you afterwards receive any more money from Walker?—Two pounds for myself.

2833. Later in the day, did you meet a man; just tell me his name; is it James?—Yes.

2834. Do you know his Christian name?—Samuel Cox.

2835. Did you take that man anywhere?—To the "Lamb."

2836. Did you introduce him to any one?—Yes.

2837. To whom?—To Walker.

2838. This "Lamb" is still the committee-room?—Yes.

2839. Was anything said or done between Walker and him and you at that time?—Walker told me to take him to the poll and pay him, and he would pay me afterwards.

2840. Was anything said as to how much was to be paid?—A sovereign.

2841. Did you go with James to the poll?—Yes.

2842. Did you give him any money or not?—A sovereign.

2843. Before or after he polled?—Before.

2844. Did he poll in your presence?—Yes.

2845. For whom?—Miles.

2846. After James polled for Miles, did you return to the "Lamb"?—Yes.

2847. Did you receive any money then from Mr. Walker?—Yes.

2848. How much?—A sovereign.

2849. Where was Walker when he paid it to you?—In the "Lamb."

2850. Was it in any particular room, do you recollect?—It was in a room, but I do not know whether you call it the parlour or what.

2851. Did he tell you, or was it said what the 1 *l.* was for?—Yes.

2852. What was it said to be for?—For Cox James.

2853. On the Thursday, did you go again to the committee-room?—Yes.

2854. Who did you see there then?—Parsley.

2855. Did you say anything to him about a sum of money for yourself?—I asked him if he was going to do as he promised.

2856. What did he promise?—He promised me a sovereign if Miles got in.

2857. What did he say then?—That he could not be bothered with me.

2858. Then you did not get the sovereign?—No.

Cross-examined by Mr. *Giffard.*

2859. What are you?—A clogmaker.

2860. How long have you been in business?—Ten years, off and on. *J. Sale.* 23 June 1868.

2861. Living in Bristol?—About four years in Bristol.

2862. Have you ever bribed any one before?—No.

2863. How came you to take to bribing, now?—I do not know.

2864. Did you think it right?—I was ignorant of it.

2865. You thought it was right, did you?—Yes.

[The Witness withdrew.

JOSEPH SMITH was called in; and, having been sworn, was Examined by Mr. *Norris*, as follows:

2866. YOU live in Bristol?—Yes.

2867. Where do you live?—In Clarence-hill.

2868. Do you recollect the evening before the polling at the last election?—Yes.

2869. Where did you go that evening?—To a room at the top of West-street.

2870. Who did you see there?—I see James Sale there.

2871. That was the last witness?—Yes.

2872. What did he say to you?—He asked me if I had a vote, and I told him I had, and he says he would give me a sovereign for it, if I would let him have my vote.

2873. Did he tell you who you were to vote for?—He asked me to vote for Mr. Miles.

2874. Did he give you anything that night?—He gave me half a sovereign. *J. Smith.*

2875. Did you give him anything for that half sovereign?—No.

2876. Next morning?—He gave me another half-sovereign.

2877. Did he go anywhere with you—He went to the polling booth with me.

2878. And you voted?—Yes.

2879. And for Miles?—Yes.

2880. You received altogether a sovereign?—Yes.

[The Witness withdrew.

ISAAC BAILEY was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

2881. I BELIEVE you live in Panel-street?—I do.

2882. On the 23rd of April did you go to the Conservative-room in Queen's-square?—I did.

2883. To the central committee-room?—I did.

2884. Did you see a gentleman there named Mr. James Ford?—Yes; I know him very well.

2885. Who is he?—A little man that I worked for 14 years ago.

2886. He is a big man in Bristol now, is he not?—He is a big man in some things.

2887. What was he when you worked for him?—In the sugar line.

2888. Is he in the sugar line now?—Yes.

The Witness having been sent out of the room, Mr. *James* read the following extract from a publication by Mr. Miles, showing that he thanked Mr. Ford for his exertions: "My especial thanks, and I consider those of the Conservative party are due to Mr. James Ford, whose untiring zeal and determination have so much contributed to the present success of the party and myself."

The Witness being re-called,

2889. Now, upon this 23rd of April you say you went to the Conservative rooms?—Yes.

2890. Did you there see Mr. James Ford?—I did.

2891. What did you say to him?—I asked if my services would be required for the coming election, and he told me that they would, and I asked him what work I was to do; whether I was to take the part which I always do, and he told me, no; that I was to do private work, and not to have anything to do with the men, for I was to go to the meetings where Mr. Morley went, and annoy all meetings; and, opposite Trinity Church especially, which is a place populated very much, that I would not let him speak under any consideration. *I. Bailey.*

2892. Had you all this to do yourself?—I had one man with me.

2893. I believe at that time Parsley was in the room, but you did not speak to him?—No.

2894. When you came away from the committee-room, did you see a person named John Angle?—Yes.

2895. I will not ask you what you said, but did you have some conversation with him?—Yes.

2896. When in company with Angle, did you afterwards meet Daniel Parsley?—Not with Angle.

2897. Was Angle with you?—Me and Angle went after having an understanding; I was to meet Parsley to have an agreement with him about the votes.

2898. Did you meet Parsley?—I met Parsley in the Old Market.

2899. What took place between you and Parsley there?

Mr. *Giffard* objected to the question.

Mr. *James* stated that he would withdraw the question.

2900. (To the *Witness.*) Did you afterwards, at any time, see Parsley; say, yes or no; when

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Charles Good was with him?—I seed him in Charles Good's house.

2901. Do you recollect afterwards attending a meeting at the Athenæum?—I did on the 24th day of April, I think.

2902. That was the 24th?—Yes.

2903. After that meeting of the 24th, did you go to the ward central committee-room?—I went that way intending to meet Mr. Ford if possible.

2904. Did you see Mr. Ford?—I saw him coming away in the direction of the bank, and he went——

2905. Did you see him go into Miles's bank?—No, I saw him peep inside the door and walk straight on.

2906. Did you go to a place called the "Coach and Horses"?—Yes, I did.

2907. Did you see any one in the passage?—Yes.

2908. Whom?—Daniel Parsley; and had to fight through.

2909. To get to him?—No, he made me do work that I said I ought not to have done.

2910. Did you afterwards see Mr. Ford walking with Mr. Miles?—Coming from there; from the "Coach and Horses."

2911. What had taken place at the "Coach and Horses"?—There had been a licensed victuallers' meeting there.

2912. Mr. *Giffard.*] Were you present at it?—I was; and was present to annoy the meeting.

2913. Mr. *James.*] Who hired you?—Mr. Ford.

2914. Did Ford tell you to go there?—He told me to go to all meetings; I went to that meeting, and went to another meeting the same day.

2915. Who paid you?—Ford.

2916. What did he give you?—Thirty-shillings for three days' pay.

2917. Did you attend, on the 25th of April, a meeting of the Liberals in St. Phillips's?—That was on the Saturday; I did; Mr. Morley's meeting.

2918. On Monday the 27th, did you go to the central committee-room in Queen's square?—I did.

2919. Did you there inquire for Mr. Ford?—I did.

2920. Was he there?—No he was not.

2921. Were you directed anywhere?—They told me that he was over——

2922. Were you directed anywhere?—Yes.

2923. Where did you go to?—To his office in King-street.

2924. Did you see Mr. Ford?—Yes, I did; in his own private office.

2925. What was said or done by Mr. Ford?—

Mr. *Giffard* stated that he objected to this as it was not a case of bribery, and submitted that it must be dealt with on the ordinary rules of evidence.

The Witness was directed to withdraw.

Mr. *James* submitted that he had shown that Mr. Ford was the main agent of Mr. Miles, and he was going to prove that Mr. Ford employed Mr. Parsley.

Mr. *Giffard* was heard in reply, and submitted that there was no evidence before the Committee of agency, and least of all evidence such as would make conversations with a third person evidence against the sitting Member.

The *Chairman* stated that that statement, if proved, might show that Mr. Ford was an agent of Mr. Miles, and that that might be an element for the Committee to consider.

Mr. *James* stated that that was a question of fact, and handed a document to Mr. Giffard, to which Mr. Giffard stated he would not object.

The Witness being again called in,

2926. Mr. *James* (to the *Witness*).] You say you saw Mr. Ford at his counting-house?—I did.

2927. Did you apply to him for any employment or not?—Yes, I told him that I was very much annoyed at the way I was treated.

2928. Did he give you anything?—He gave me a letter written with his own hand.

2929. Is this the letter and envelope (*handing the same to the Witness*)?—I believe it is.

2930. The envelope is directed "private." "To Mr. Daniel Parsley, of Clare-street," and the letter is as follows: "Dear Sir, you really must do something for Ikey Bailey; make him a ganger over some people; he is very sore, and as he has worked hard always for us, must be kept sweet. Your attention will oblige, yours truly, J. F. Mr. Parsley"?—That was J. Ford.

2931. Did he say anything to you as to what you were to do with it?—He told me I was to find Dan Parsley, if I searched Bristol through.

2932. Did he tell you for what purpose?—He did not, but he told me I was to give the letter to Dan Parsley.

2933. Did you take this letter to Dan Parsley?—No, I did not.

2934. What did you do with it?—I opened it to see the contents of it, because I did not like it.

2935. On the 5th of May, did you see Mr. Ford again at the central committee-room?—Not at the central committee-room.

2936. Where did you see him?—Coming out of his counting-house.

2937. Did Mr. Ford then give you any more money?—Yes, I asked him for my three days' pay; he said he would speak to me; I went over as far as the Conservative-rooms with him.

2938. Did you get your money?—I did.

2939. How much?—Thirty shillings, and that was not half enough neither.

2940. Taking things generally on the days you mentioned, you mentioned some days when you attended some meetings?—Yes, on the 24th.

2941. You attended some Liberal meetings?—Yes, on Saturday the 25th.

2942. Did you get any directions, such as they were, or papers from any one, as to what meetings you were to go to?—Yes, from Queen's-square every day, I had the paper where to go; the tan-yard, Bedminster, and Redland; some of them I destroyed.

2943. Was that one of the papers you got from the committee-room in Queen's-square (*handing a paper to the Witness*)?—It is.

2944. Bristol Election 1868, central committee-room, 54 Queen's-square; that is printed "Bedminster, at Skin-yard 6.30; "King's Arms," Redland, 8 o'clock;" these latter words are written; what meetings were those?—For Mr. Miles to be heard, and we had to take men there that if any persons made any row or spoke against him, we were to take them out or beat them.

2945. You know Parsley?—Yes.

2946. Have

2946. Have you ever canvassed voters with him at this election?—I went round with him to John Angle.

2947. Have you seen him going in and out of the "Lamb" committee-room, or not?—I did from the 24th day of April up to the day of election, with John Angle.

2948. Once, or more than once?—Twenty times, backwards and forwards.

Cross-examined by Mr. *Giffard*.

2949. What did you do with that letter which Mr. Ford gave you, after you had opened it and read it?—I gave it to a person.

2950. What person?—Joseph Hennessy, for one.

2951. Who is he?—A gentleman in Bristol.

2952. Did you give it to the persons representing the other side, Mr. Morley?—I did.

2953. When?—On Monday, the 27th day of April.

2954. Before the election?—Yes, the election was on the 29th.

2955. What are you by trade?—Broker and general dealer.

2956. Just one word about this letter; I suppose you saw it printed and placarded all over Bristol before the election?—Yes, I did.

2957. (By the *Committee*.) This letter signed J. F.

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2958. Mr. *Giffard*.] Yes Sir (*to the Witness*), I suppose you had asked Mr. Ford for employment, by the terms of the letter?—No, before the time of the letter.

2959. I presume you have asked him for employment?—Yes, I have.

2960. I suppose you wanted employment?—No, I have got plenty of money; I do not want employment.

2961. What are you?—Broker and general dealer.

2962. Have you been in trouble at all?—Never, more than having the bowel complaint now and then.

2963. Have you never been convicted of any criminal offence?—Never.

2964. Will you swear that?—Never.

2965. Have you ever been tried?—Never in my life, not for a penny.

2966. For nothing?—Not for nothing; I should like to know by whom.

Re-examined by Mr. Serjeant *Ballantine*.

2967. There is not a word of truth in that suggestion that you have ever been in trouble of that kind?—I have never been in trouble in my life, that I know of.

[The Witness withdrew.

ISAAC DOWLING was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

I. Dowling.

2968. WHAT are you?—A mason.

2969. And are you 1,833 on the register?—Yes, I am.

2970. Had you made any promise to a person of the name of Wetherell, to vote at the last election for Bristol?—Yes.

2971. Whom had you promised to vote for?—Mr. Morley.

2972. Are those your principles?—Yes, those are my principles, but I was bothered out of them.

2973. Never mind about that; men with principles often are bothered. Now you were very much bothered in consequence of your principles, and I believe you saw a great many people?—I did.

2974. Did you at last vote for Mr. Miles?—I did.

2975. Who persuaded you to do that?—Mr. King and some of the committee; they came, and took me with them; they took me, and gave me a glass of gin and water.

2976. Then you ultimately voted for Miles, did you not?—Yes.

2977. How much were you to get for it?—I got two florins and a shilling; that is what you call five shillings, I suppose, in point of value.

2978. Did you receive any money?—Yes.

2979. Was that after or before you voted?—After I had voted.

2980. Will you tell me who you received that from?—A man of the name of Sloman told me to go in; that there was something for me.

2981. Where was that?—Under the committee-room; the room was up there, and we was down here.

2982. A person of the name of Sloman told you to do something, did he?—Yes.

2983. The man's name was Sloman, was it?—It was.

2984. He told you to go somewhere?—Yes.

2985. Where?—Under the committee-room, in the lower part of it.

2986. What committee-room?—The Redcliffe Hill committee-room, near the church, where the Blue party was.

2987. Were they the Colston-rooms?—I do not know about that.

2988. Where they the Blue committee-rooms?—Yes.

2989. Did you go in somewhere?—I went in there.

2990. What sort of place was it you went into?—The room was a very large room, and I had to go up two steps, and there was a side door to go in at the end, and I went in a little ways.

2991. When you got in a little way further, what did you see?—A woman.

2992. Should you know this woman again?—No, I do not know; perhaps she was fresh dressed, and I did not take particular notice.

2993. You are quite right about that; just let Mary Tanner come in; did she speak with any accent that was familiar to you?—Yes, she spoke, but I told you before, that I would not come here to take a false oath.

2994. I would not impute that to anybody coming from Bristol. Now, had she any particular accent; do you know the Welch accent?—Yes; I have heard a great many people talk Welch, and this person is one from that part of the country.

2995. At all events, before she came in, did she give you anything?—Yes, two what you call florins, and a shilling piece; these would make five shillings, I believe, according to my calculation.

2996. What was that given you for?—I suppose

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pose for the same as the rest, for a bribe. I cannot see anything else in it; that is my opinion.

2997. And you did not object to accepting it from the lady?—Of course not; if it had been five times as much I should have taken it, I suppose, and thought it better.

Mary Tanner being produced,—

2998. Do you believe that to be the young lady; look; you have no objection to look?—I do believe that is the young lady.

2999. You believe that she is the young lady that gave you the five shillings?—Yes; I think so.

3000. But you looked more at the florins than you did at her?—Yes, of course I did.

[The Witness withdrew.

Miss Mary Tanner was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

Miss *M. Tanner.*

3001. Are you in the employment of Mr. King, at Bristol?—I am.

3002. Richard Poole King?—Yes.

3003. I am quite sure you will tell us the truth about this; are you the young person mentioned by the last witness?—No, I am not.

3004. Were you at the Colston-rooms at all?—I do not even know where the rooms are; I never put my foot inside them; I do not even know where they are.

3005. Have you given money to anybody at all?—No, I never gave anything to anybody at all.

Mr. Serjeant *Ballantine* stated that he would withdraw the statement that she had paid the money.

[The Witness withdrew.

Mr. John Simmonds was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

Mr. *J. Simmonds.*

3006. Do you live at No. 11, Brunswick-place?—I did at the time of the election.

3007. And have you a vote for the City of Bristol?—I have.

3008. Were you canvassed on the morning of the election to vote for Mr. Miles?—Yes.

3009. I will not ask you what was said, but did Mr. Walton, a scripture reader, call upon you?—He did.

3010. Do not tell us what he said; did he make some communication to you?—Yes.

3011. Did you go to the committee-room in Pritchard-street?—I did.

3012. Did you again have a conversation with Mr. Walton?—I did.

3013. And you there wrote something down on a piece of paper?—I did.

3014. After having done that, did Mr. Walton leave you, or did you separate from Mr. Walton?—I separated from Mr. Walton.

3015. Shortly afterwards did a man of the name of Britton come to you?—He called me out from the committee-room.

3016. What committee-room was this?—The committee-room in Pritchard-street.

Mr. *James* stated that it had been proved that Britton was a clerk in Mr. Miles's bank.

3017. Now what took place between you and Britton?—He said I put down the figure too high.

3018. What did you say to that?—I should not think I did.

3019. What then?—He said we are doing nothing but gold to-day, and I says, "What do you mean, sovereigns?" and he said "Yes," and I said "How many;" "Oh," he said "one;" "Oh" I said "I should not think of such a thing;" he said "Oh! very well, that is all we are doing this morning, and you had better have them," and touched his pocket so that I could hear them. I said "no, I should not think of taking a sovereign," and we parted. He came back towards the committee-room, and I went into Paul-street.

3020. Was that all that passed between him and you?—Yes.

3021. You did not take any money from him?—I did not.

[The Witness withdrew.

Mrs. Charlotte Watts was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

Mrs. *C. Watts.*

3022. Are you the wife of John Watts, a carponter at Bristol?—Yes.

3023. Do you know Mr. and Mrs. Dredge?—Yes.

3024. Do they keep a public-house in Pritchard-street?—No.

3025. Who are Mr. and Mrs. Dredge?—I do not know that they keep a public-house there.

3026. Do they live in Pritchard street?—Yes.

3027. At the last Bristol election, was one of Mr. Miles's committee-rooms there?—Yes.

3028. Were you there upon the day of polling?—Yes.

3029. Did you see Henry Britton there on that day?—No, I did not; I do not know him; he might have been there.

3030. Do you know any of the clerks in Mr. Miles's bank?—Yes, I know Mr. Britton; I thought you meant Mr Britton the lawyer.

3031. You do know Mr Britton, who is a clerk in Mr. Miles's bank?—Yes.

3032. Now having thought of that, did you see him there that day?—Yes.

3033. What was he doing?—I was downstairs nearly all day; but of course I saw him in and out.

3034. What was he doing when he was going in and out of the committee-room?—Taking people to the committee-room.

3035. Did he bring them in with him or go out with them?—He was of course taking people in and out of the committee-rooms.

3036. Do

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3036. Do you know whether any of those people were voters for Bristol?—Yes.

3037. They were?—Yes.

3038. Was he, or was he not, actively at work there?—He was, all day.

3039. What house was this; you say it was not a public-house; what house was it?—A private house.

3040. Did Mr. and Mrs. Dredge live at it?—Yes.

3041. Did you see any eating and drinking going on there?—Yes.

3042. Where was the eating and drinking going on; you told us this was the committee-room?—Upstairs and downstairs.

3043. In what rooms?—In the first floor and in the second floor, and down in the kitchen.

3044. During what periods of the day?—The whole of the day.

3045. Did you see any money paid by anyone for eating and drinking?—No, I did not see any money pass.

3046. You tell us the food was there, upstairs and downstairs during the whole of the day; did people eat or drink there?—Yes.

3047. But did any person that you know to be voters, eat or drink?—Yes.

3048. Before they ate and drank, did the people ask anybody's leave, or did they eat and drink as they liked?—I do not think they asked anybody's leave; they came and asked for it, and they had it, because I supplied them.

3049. You did not receive any money yourself, I believe?—No.

3050. Nor did you see any paid?—No.

3051. You say this took place all day; was the house very empty or full of people?—Very full all day.

3052. Who told you to go to the house?—No one; I went of my own accord to see what was going on that morning.

Cross-examined by Mr. *Giffard.*

3053. Do you mean out of curiosity?—I and Mrs. Dredge were friends, and I went up in the morning to see how they got on, and there was a man named Butt, who told me to pull off my things, and make myself useful, and so of course I stayed.

3054. Where were you the greater part of the day?—In the kitchen.

3055. What were you doing there?—Cutting up food for the voters.

3056. You say for the voters, but you were cutting up food; did anybody tell you that it was for the voters?—I could hear that it was for the voters.

3057. Did Mr. Britton come in and out of the kitchen?—No, not at all.

3058. You see your word was rather put into your mouth that he was actively coming in and out all day?—Up and down stairs; I went up and down stairs two or three times, and I saw him.

3059. What was he doing when you saw him?—He came in and out.

3060. But you proved a good deal more than than that. Let us see what you mean. You talked about his taking people in and out; did you see him take any people in?—I saw him bring one or two people in a fly there.

3061. Well, just tell us what you mean, because you have adopted the words rather wholesale; do you mean that you saw him bring people to the door?—Yes.

3062. Why might not that have been two or three people bringing him. How many times did you see the fly come to the door?—A great many times; I could not say how many.

3063. How many times did you see him in a fly?—I saw him three times.

3064. Did you see him go away in a fly three times?—I do not remember seeing him go away at all.

3065. Do you know any of the persons who were with him in the fly?—No.

3066. How could you possibly tell that they were voters?—No more than from what I heard them saying.

Re-examined by Mr. *James.*

3067. You say someone told you to make yourself useful; who was that?—Mr. Butt.

3068. Mark Butt?—Yes.

[The Witness withdrew.

MATTHEW GREGORY was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

M. Gregory.

3069. Do yo live at 30, Bishop-street, St. Paul's, Bristol?—I do.

3070. Previously to the election, did you at any time see Henry Uriah Allsop and Henry Britton canvassing together?—Yes; I did.

3071. Had either of them a book?—Mr. Allsop had a book, and Mr. Britton had the cards.

3072. Did you see them going from house to house, canvassing?—Yes; in Pritchard-street.

3073. Did Mr. Britton canvass you?—He asked me for my vote, and I said, "Not if I know it."

3074. Was that in Uriah Allsop's presence?—Yes.

3075. Was that the time when they had the book?—The Saturday previous to the election time.

3076. Had Britton any cards at the time?—Yes; he presented me with one.

3077. A bill coloured with Mr. Miles's colours?—Yes.

3708. You knew Mr. Britton as being a clerk in Mr. Miles's bank?—Yes.

[The Witness withdrew.

THOMAS RICHARD MOSS was called in; and, having been sworn, was Examined by Mr. *Norris*, as follows:

T. R. Moss.

3079. YOU live in Bristol, do you not?—Yes.

3080. Are you a publican?—I was a fortnight ago; but I left the business this day fortnight.

3081. You were a publican at the time of the election?—Yes.

3082. What tavern did you keep?—The "Pear Tree," St. Phillips, Bristol.

3083. What was the name of the street it was in?—The Bats.

3084. Before the election, did any one come to you

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you to engage your room for a committee-room? —Yes.

3085. Who was that?—Mr. Ware and Mr. Bermister.

3086. What did you tell them?—They came three times

3087. Did you let them have the room?—Yes.

3088. What were they to give you?—Two guineas.

3089. Did anybody else come to you?—There were several other gentlemen with them, but I do not know their names.

3090. Cannot you think of their names?—No; but one of them was Mr. Pennington.

3091. Who did you agree with for that room? —Mr. Dix.

3092. Is he a solicitor in Bristol?—Yes; I saw him this morning.

3093. Did the committee meet at your rooms? —Yes.

3094. Were there any breakfasts there?—Yes.

3095. How many breakfasts?—Breakfast was ordered for 20.

3096. Who ordered it?—Mr. Good.

3097. Of you?—Yes.

3098. On the very day of the election, did Mr. Good come to your public-house?—No.

3099. Did Mr. Bermister and Mr. Ware come?—Yes.

3100. Can you tell us some of the names of the members of the committee that met at your house?—No one but Mr. Bermister and Mr. Ware, that I knew the names of.

3101. Were they members of the committee? —Yes.

3102. And did Mr. Bermister and Mr. Ware have breakfast at your house on the morning of voting?—Yes.

3103. And other people, voters?—Yes.

3104. Can you give us the name of any voter? —There is George Thomas.

3105. Anyone else?—A man of the name of Curtis.

3106. Is that Henry Curtis?—Yes.

3107. Did they have breakfast?—Yes.

3108. Did they pay for it?—No.

3109. Did you supply beer on the day of election?—Yes; two days before.

3110. Had you any refreshment tickets?—Yes.

3111. Were they tickets such as this (*handing tickets to the Witness*)?—Yes; such as those.

3112. Similar to these?—Yes.

3113. These are refreshment tickets, 1 *s.*; were you to supply refreshments on the production of those tickets?—Yes; they were for gentlemen who carried papers with letters.

3114. You say that when anyone presented a ticket, you supplied him with refreshments; did anyone tell you to do that?—Mr. Bermister told me to do it, but not to too many.

3115. Did you make out any bill afterwards? —Yes.

3116. What was the amount of it?—I had two guineas for the room; 2 *l.* 10 *s.* for breakfast; and 2 *l.* 1 *s.* for beer.

3117. And to whom had you supplied this beer?—To members and other people who came to my house; for those who went and voted.

3118. Did they pay you for the beer?—No, they have not paid me yet.

3119. Did those who came and drank the beer, pay you?—No, Mr. Pennington ordered it after that election; Mr. Bermister and Mr. Ware, I think, never came back afterwards.

3120. Afterwards, did you apply to anyone for payment of the whole?—I applied to Mr. Dix; I was ordered by Mr. Bermister and Mr. Ware to apply to Mr. Dix for payment.

3121. And what did he say?—He said that I was to be quiet, and that I should have it after a bit.

3122. You told us that there were 20 breakfasts, and that they came together to 2 *l.* 10 *s.*; who ordered those breakfasts?—Mr. Good.

3123. And did you ask him to pay for the beer?—Yes.

3124. And did he do so?—He said I was to apply to Mr. Dix.

3125. And Mr. Dix told you to be quiet, and that you should be paid?—Yes.

3126. You voted at the election, did you not? —At this election.

3127. What time in the day did you vote?—About 12.

3128. Was anything said to you about your vote?—I did not want to vote at all.

3129. Who said anything to you about it?—Mr. Bermister; he said if I did not vote, I should not not have a penny for nothing.

3130. Who were you to vote for?—They asked me to vote for Mr. Miles.

3131. And did you vote for Mr. Miles?—I did.

3132. After you had voted for Mr. Miles, what took place?—I do not know that anything took place particularly.

3133. Did you receive any money?—That was before I voted.

3134. Who did you receive money from?—Mr. Bermister.

3135. How much?—One pound.

3136. He gave you the 1 *l.* before you voted? —Yes.

3137. You say you received that sovereign from Mr. Bermister before you voted; was that in any part payment of your bill?—No.

3138. As a gratuity for your vote?—Yes.

3139. Have you been paid part of your bill? —I have been paid for the whole of the breakfast.

3140. But the 2 *l.* 1 *s.* for beer supplied during the day to voters, you have not been paid?—No.

Cross-examined by Mr. *Matthews.*

3141. Have you mentioned the names of all the persons you know who came there for refreshments?—Not all of them that I knew.

3142. Do you know any others besides those that you mentioned?—There was a gentleman of the name of Cox there, who had breakfast.

3143. Anybody else?—There were several there that I did not know by name.

3144. In addition to him, you have given us the names of all that you know?—Yes.

3145. Do you know how many gentlemen there were acting upon that committee?—Mr. Ware and Mr. Bermister were the only two I saw writing.

3146. Do you know how many there were acting upon the committee?—There were five of them who came backward and forward together, but there were only these two in the room when they were writing.

3147. Do you know how many there were acting upon

upon that committee, in any way beside writing?—There were five of them came together,

3148. Were there more rooms than one?—Two rooms.

3149. Do you know how many others were acting in the other rooms in the parish?—No.

3150. What parish is this that you are speaking of?—St. Phillips. *T. R. Moss.* 23 June 1868.

3151. Are there as many as 2,300 or 2,400 voters in it?—I don't know.

[The Witness withdrew.

JOHN TITTERTON was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

3152. Do you live at 6, Orchard-street, Bristol?—Yes. *J. Titterton.*

3153. Were you engaged the night before the election by anybody, to do anything?—Yes, I was.

3154. By whom?—Mr. and Mrs. Moss.

3155. What were you engaged to do?—To cook a ham.

3156. Was anything to be done next morning for breakfast?—Eight pounds of steaks to be fried, and 30 eggs to be half fried and half boiled.

3157. Fifteen of each you mean?—Yes.

3158. And there was a ham too?—Yes.

3159. And what was to be done with these things?—Taken upstars into the committee-room.

3160. What committee-room:—At Moss's.

3161. Is that the "Pear Tree Tavern"?—Yes.

3162. Was it a committee-room?—Yes.

3163. What bills were there?—There were bills during the night plastered all round the place.

3164. What bills were they?—Blue bills.

3165. Were they bills for Morley?—No, they were not.

3166. For whom were they?—For Mr. Miles.

3167. Did you wait upon the consumption of the things you cooked?—Me and my shopwoman served the breakfast there.

3168. How many people, do you think, breakfasted up there?—Nine the first time.

3169. Were there more breakfasts than one?—Yes.

3170. Many?—Yes, several. I went away to give my vote, and told the woman to wait till I came back.

3171. When you came back, did you find others there?—Yes.

3172. Could you give the names?—No, I was a stranger there.

3173. Did you see anybody whom you knew?—No.

3174. Do you know George Thomas?—Yes.

3175. Did he breakfast?—He had a bit of lunch; he was not hungry enough for breakfast.

3176. Do you know Mr. Cox?—I understood he was there; but I did not see him.

3177. Did you see Mr. Bermister and Mr. Ware?—I saw a gentleman who answered to the name of Ware.

3178. Did you see Mr. Bermister there?—I saw another tall man there in a dark coat; but I did not know his name.

3179. You say you saw a person of the name of Ware there; what were they doing, he and this person in the dark coat?—They gave orders for breakfast, and was shepherding like the people that were there.

3180. The lambs?—Yes.

[The Witness withdrew.

GEORGE THOMAS was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

3181. Do you live at 6, Windford-street, Stapleton-road?—I do. *G. Thomas.*

3182. Do you know two persons, one of them of the name of Ware, and the other of the name of Bermister?—I do.

3183. Did you see them, or did you have any message on the morning of the election?—I had.

3184. Who came to you, if anybody?—A woman.

3185. In consequence of what was said to you, did you go to Moss's, "Pear Tree Inn"?—I did.

3186. What time did you get there?—It might have been half-past 9 in the morning.

3187. Was that the polling day morning?—Yes.

3188. Had you anything to eat or drink there?—I had.

3189. What did you have; was it a dinner, or was it a breakfast?—A very good one.

3190. A very good what?—A very good breakfast; it was so good I could hardly tell whether it was a breakfast or dinner.

3191. Where was it?—At the "Pear Tree."

3192. That was the committee-room?—Yes.

3193. Did you pay anything for it?—Never a halfpenny.

3194. Did you see anybody else taking breakfast there?—Yes.

3195. About how many persons were there when you were there?—About four.

3196. Eating this substantial breakfast?—Some would not eat it.

3197. Were they drinking?—I could not say whether they were eating or drinking; but there were four persons.

3198. Did they go through the process of eating or drinking?—I looked to myself mostly.

3199. Was there a breakfast laid out there?—Yes.

3200. More than you could have eaten yourself?—Decidedly.

3201. Did anyone ask you to vote?—Many of them, and Mr. Bermister and Mr. Ware.

3202. Where were they?—At the "Pear Tree," at the committee-room.

3203. What did you say?—I said I did not feel inclined to vote.

3204. What took place then?—After that, I went to a man's house, Mr. James Sheet, at the "Three Crowns," in John-street, where I had half a gallon of beer.

3205. I want to know about your vote; did you get any money from anyone?—Yes.

3206. From whom?—From Mr. Bermister.

3207. What was it that he gave you?—First he gave me half a sovereign.

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3208. Where was he when he gave you that?—Facing the Broad Mead.

3209. Before he gave you that, what was said?—He put this privately and slyly into my hand, and then he took me from there to the "Good Intent," and asked to have the half sovereign back, and I gave it to him, and he gave me a sovereign.

3210. Had anything been said to you about your vote by Mr. Bermister?—He came to me, and said, "Of course Thomas, you intend to vote for Miles"; but I did not feel inclined to vote, but he tugged, and tugged at me so, that I voted for Miles.

3211. Was that before you got the sovereign?—Before and after; he gave me half a sovereign first; then he asked me for it; and I gave it to him back again.

3212. Did you vote before or after you had the sovereign?—After I had the sovereign.

3213. Was anyone present when he gave you the sovereign?—No.

3214. Was it at Street's, or where?—He gave it to me at the "Good Intent," in Jacob-street.

3215. Is that Street's house?—No, it is not.

3216. Did you go to Street's house?—I went to Street's house after I had voted.

3217. Where is that?—At the "Three Crowns," in Johns'-street, close by St. Phillip's Church.

3218. Did you have anything to eat and drink?—I did.

3219. Did you pay for it?—I never did.

3220. What did you have?—Boiled beef.

3221. How long after the breakfast was that?—It might be two hours.

3222. Did you see other people eating and drinking there?—Plenty, I believe.

3223. Did you see anybody pay anything?—No.

3224. Did you pay anything?—No.

3225. Who took you to this house?—The two men that took me there would be James and Butt.

Cross-examined by Mr. *Matthews.*

3226. Were you acting as a messenger, or a clerk, or anything?—No; I was a voter.

3227. What are you by trade or business?—I hawks about Bristol with coal.

3228. How long have you been a voter?—I think I have voted three or four times; three times.

3229. Had you ever seen Mr. Bermister before this election?—Never.

3230. How did you learn his name?—How I knew his name was by Mr. Moss.

3231. Somebody told you; Mr. Moss?—Yes.

3232. Who was he?—He kept the "Pear Tree," where the committee sat, and where the breakfast was got up.

3233. When was it that Mr. Moss told you that name?—It might be two or three days afterwards.

3234. How came you to ask the name two or three days afterwards?—You are asking me questions I can hardly resolve to you.

3235. How came you to ask Mr. Moss two or three days after the election, what Mr. Bermister's name was?—I cannot answer that question. I would not speak wrong, if I knowed it; I took my oath on the truth, and I would speak the truth.

3236. Then tell me the truth?—I do not rightly know. I knows his name, but I cannot tell you how I got his name.

3237. I am getting a little curious; you do not rightly know how you came to go to Moss two or three days after the election, and ask Moss what Mr. Bermister's name was?—I could not swear that he gave me his name. I asked his name; what I swear is the truth, and I will not swear any lie.

3238. Will you tell me why you asked that question; what was your motive?—I cannot tell you that.

3239. Did you think you could go and make some money out of the Liberals?—No.

3240. What was your particular motive at all?—I had no particular motive at all.

3241. The Committee will not believe that?—The Committee can do as they like. I will not tell a lie, if I know it.

[The Witness withdrew.

THOMAS FRODSON was called in; and, having been sworn, was Examined by Mr. *Norris,* as follows:

T. Frodson.

3242. Do you live in Bristol?—Yes, at No. 27, Philadelphia-street, St. Paul's.

3243. Before the election at Bristol, did any one come and canvass you for your vote?—Yes.

3244. Who was that?—There was one Mr. Allsop, and another man Mr. Townsend; the other name I cannot mention.

3245. The other name you cannot mention?—I do not know it.

3246. Do you know a public-house in Bristol called the "George the Fourth"?—Yes.

3247. Who kept it?—Charles Good.

3248. Did he come to you for your vote?—No.

3249. When Mr. Allsop came and canvassed you, what did he say to you; did he ask you to vote for Mr. Miles?—Yes, he solicited me for my vote.

3250. And what did you tell him?—I told him I had not made up my mind, not then, but that I would see about it in the course of another day. I believe it was on the Monday when he came; I cannot be certain.

3251. Did anyone promise you any money?—No, not then.

3252. At any time?—No; I was sent for by Mr. Good.

3253. On the morning of the election, did you see Mr. Good?—Yes, twice previous to that.

3254. Had you any conversation with him on the morning of the election?—Very little.

3255. Will you tell us what that little was?—It was on the Monday first that he sent for me, and he asked me what I thought about this concern, and he asked me what I would have a glass of.

3256. What did you have a glass of?—Beer.

3257. And whilst you were having this glass of beer you were talking; what about?—We had very little to say then, and I told him that I would consider about it.

3258. The next day he sent again?—Yes, I saw him again on the nomination day.

3259. Tell me the conversation you had with him on the nomination day?—I did not go into the parlour with him that day, but he came into the

the passage, and he asked me if I had made up my mind, and I answered I thought I had, and I wanted to know what the pay would be, and he said he would give me a good day's wages, and I said what would it be, and he said a sovereign.

3260. And that was sufficient?—Yes, I said I would vote for that.

3261. Who would you vote for?—Mr. Miles.

3262. And he paid you a sovereign?—Yes.

3263. Did you vote for Mr. Miles?—Yes, I did.

3264. Did you receive a sovereign?—Yes, I did.

3265. Who from?—Charles Good himself.

3266. Where did he pay it to you?—In the passage leading to the parlour.

3267. At his house?—Yes.

3268. And did he give it to you before you voted or after?—After I voted; we went in a cab from the house, him and me and two more.

3269. He saw you poll for Miles?—Yes. *T. Frodson.*

3270. And then when you returned to his public-house he gave you the sovereign?—Yes. 23 June 1868.

3271. You say that two others went with you in the cab, were they voters?—Yes.

3272. Do you remember their names?—I cannot tell you that.

Cross-examined by Mr. *Matthews.*

3273. I see you are a man who takes an interest in politics, do you happen to know that Mr. Morley was in favour of the Main Liquor Law?—Yes.

3274. Did that make the publicans in Bristol fond of him as a candidate?—No, I do not think it did altogether.

3275. Mr. Good was a publican was he not?—Yes, he was.

[The Witness withdrew.

Robert Bennett was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

3276. Are you a voter for the City of Bristol?—Yes; I am. *R. Bennett.*

3277. Upon the day of the election, were you at the house of Charles Good, in Philadelphia-street?—I was.

3278. What time were you there?—About 11 to 12 o'clock?—I cannot say exactly the time.

3279. Did Mr. Good say anything to you about your vote?—Yes.

3280. What did he say?—He asked if I would go and poll for Mr. Miles for 1*l.*

3281. What did you say?—I said, yes.

3282. Did you and Good go anywhere?—I went to the committee-room.

3283. When you met Good, and said that you would take the pound, did you go to Pritchard-street?—Yes.

3284. Where did you go to there?—To Mr. Miles's committee-room.

3285. Did Mr. Good go with you into the committee-room?—He did.

3286. And from the committee-room did you go to the poll?—Yes.

3287. And for whom did you vote?—For Mr. Miles.

3288. Soon after that was anything said about some snuff?—Yes.

3289. What was that?—He asked me for a pinch of snuff.

3290. What did you do in answer to that?—I took out my snuff-box, and opened it; he took a pinch of snuff, and put in a sovereign there.

3291. When you opened the box you found the sovereign there?—Yes.

3292. Did you put in the sovereign yourself amongst the snuff?—No.

3293. But you took it out?—Yes.

[The Witness withdrew.

Jeremiah Connell was called in; and, having been sworn, was Examined by Mr. *Norris*, as follows:

3294. Do you live in Bristol?—Yes. *J. Connell.*

3295. Where do you live?—In Old Bread-street.

3296. And you are a voter for the City of Bristol?—Yes.

3297. The day before the polling at the last election, where did you go to?—I went to the "Foresters' Arms," Pennington's, down against the Marsh Bridge.

3298. Who keeps that?—A man of the name of William Pennington, or Billy Peninngton, they commonly call him.

3299. Who did you go with?—I and a man of the name of Gibbs was together.

3300. What was his Christian name?—William Gibbs.

3301. You went to the "Foresters' Arms;" what did you see there?—There was some men in there drinking in the tap-room.

3302. Did you see anything outside the house?—There was bills put in the windows stating that it was Mr. Miles's committee-room.

3303. And did you have any refreshment there?—I had some beer there, that morning.

3304. Did you pay for it?—No; I did not.

3305. Did Billy Pennington say anything to you while you were there?—He told us that if I would go and vote for Mr. Miles, as how he would pay me, and he asked me to come in; that was the following morning, on the 29th, that I could have breakfast there, and I could go from there to the polling booth, and that I would be paid 10*s.*

3306. Did you go to breakfast at the house?—Yes.

3307. Did you go to the poll?—I did.

3308. Did you vote?—I did.

3309. Whom did you vote for?—I voted for Mr. Miles.

3310. Did you have any refreshment in the bar there at the "Foresters Arms"?—I did, before I went to the poll.

3311. You did not pay for that, I suppose?—I did not. I had breakfast and beer.

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3312. Breakfast on the top of the beer?—Yes, and I went from the house straight to the polling booth.

3313. Did anyone have breakfast with you?—Yes, there was about four there.

3314. Could you give us their names?—I could not; there was William Gibbs and a man of the name of Mr. Briant, but who the other party was, I could not tell.

3315. Gibbs was the man who had been with you the previous evening?—Yes.

3316. Now you polled for Mr. Miles?—Yes.

3317. Who went with you to the booth?—Briant.

3318. Anyone else?—Gibbs, and Briant, and I, left the house together.

Mr. *Hills* stated that there was no Jeremiah Connell on the register.

Witness.] That was a mistake.

3319. Mr. *Norris* (to the *Witness*). Are you on the register of voters for Bristol as John Connell?—Yes, I am.

3320. Do you know the number?—No, I do not.

3321. You say Briant and Gibbs went with you to the booth; now as you went to the booth will you tell us what passed?—I went straight on to the booth, and as I was going along, Mr. Briant gave I 10 *s.*, and I went to No. 41 booth, West-street, and voted there, and Briant stopped long enough to see that I gave my vote.

3322. You were surprised at receiving the present from Briant; what did he say?—He said at the time he gave I 10 *s.*, "This is a present I am giving you."

3323. I need hardly ask you whether you had received any such magnificent present from him before?—No, I never knew him before.

3324. Had you any idea what he gave you this present for?—I knew perfectly well that he gave it to I to vote for Mr. Miles.

Cross-examined by Mr. *Staveley Hill.*

3325. What time did you poll?—Somewhere about 8 o'clock in the morning, or a quarter-past 8; near abouts there.

3326. Do you know who polled next to you?—No, I do not.

[The Witness withdrew.

CHARLES JACOBSON was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

C. Jacobson.

3327. I BELIEVE you live at Tower Hill, Bristol?—Yes.

3328. Have you a vote for the city of Bristol?—Yes.

3329. Were you canvassed before the election to vote for Mr. Miles?—Yes.

3330. Did a person of the name of Pomfrey canvass you?—I rather think it was, but I do not know; there was two or three came.

3331. Did anyone ask you to go and breakfast anywhere on the day of polling?—Yes.

3332. Who asked you?—I was asked to go up to Mr. Jones's at the "Castle."

3333. Who told you to go up?—One of those men.

3334. Is that what is called the "Old Castle"?—It is on the left-hand side.

3335. What time did you go there?—I went there between 9 and 10, I think.

3336. On the morning of polling?—Yes.

3337. When you went there what was going on there?—Mr. Gibson, the hatter, was there; he said, "Come and take and have your breakfast, and come along with me to the poll."

3338. Was there a committee-room at the "Old Castle"?—Yes; I was up-stairs.

3339. Did you see a Mr. George Bragg there?—Yes.

3340. Did you have anything to eat or drink there?—Yes.

3341. What did you have?—A bit of bread and meat.

3342. Was there anything laid out upon the table?—No, not particular; it was for any person who chose to have it.

3343. Did you pay for it?—No.

3344. After you had had this food was anything said to you about voting?—Yes.

3345. What was that and by whom was it said?—Mr. Gibson asked me whether I would come and vote along with him.

3346. What was said then?—Then I went off with him, but I could not tell exactly the time; not the hour.

3347. Did Mr. Bragg say anything to you before you went?—He said that I should be paid as soon as I came back.

3348. Was any sum mentioned, or was it said for what you were to be paid?—Yes, 5 *s.*

3349. Did he say for what, or not?—As soon as I had been and polled.

3350. Now, did you go to the poll?—Yes.

3351. With whom?—With a gentleman of the name of Gibson. I went with him; and came back with him to the "Old Castle" again.

3352. Did you there see a person of the name of Rowe?—No.

3353. Did you get any money from any one?—Yes.

3354. From whom?—I went to Mr. Bragg, and asked him; and he said "I will pay you presently." And then after leaving Tower Hill, I would go home and tell my wife that I would come back, and then I see Mr. Rowe; and he asked me, and says, "Have you been and polled?" "Oh yes," I says. And he says, "Have you got your money?" I says, "No; Mr. Bragg said he would give it to me presently." And he said, "Come along with me;" and I went along with him, and down over the bridge to his house, the public, and he took me in and gave me 5 *s.*

3355. Then did you get any money from Mr. Rowe?—I told him that Mr. Bragg said he would pay me presently.

3356. Having seen Mr. Rowe, did you get any money from him?—Yes.

3357. How much?—Five shillings.

3358. Did you tell him or not what had passed between you and Mr. Bragg?—I told him that Mr. Bragg had said he would pay me presently; and he said, "Come along with me, and I will pay you the money."

3359. Who is Mr. Bragg?—He is an ironmonger in Castle-street.

3360. Do you know whether his name is George or not?—I do not knw, but I think it is George Bragg; but I will not be sure.

3361. Having received that money from Mr. Rowe,

Rowe, did you go home; and were you at the window of your house?—Yes.

Cross-examined by Mr. *Giffard.*

3362. What are you?—A carpenter.

3363. Have you ever voted before?—Yes.

3364. With which party?—I voted Liberal before.

3365. How came it to pass; are your views Liberal?—I never voted Blue before.

3366. I want to know how you came to vote Liberal; was it that those were your politics?—I be a little master for myself, you see, and I wished to keep my bit of work as I had together; and I worked for more Liberals than I did the other side, and therefore I kept to that.

3367. That was how you came to vote Liberal before, was it?—Yes.

3368. You never received any bribe befor —No.

3369. Did you know Mr. Rowe before—Yes. *C. Jacobson.*

3370. In what station in life is Mr. Rowe?—He is some relation, I think, to Mr. Jones, of the "Castle." 23 June 1868.

3371. What trade does he follow?—He follows the same business as Mr. Jones; he is a hatter.

3372. Does he keep a hatter's shop?—No; he was foreman for Mr. Jones.

3373. He was a working man for Mr. Jones?—Yes.

3374. Did you know Mr. Bragg before?—Yes, many years.

3375. If it is the Mr. Bragg you mean, you say he is an ironmonger?—Yes.

3376. And what is Mr. Maypowder?—He is clerk to St. Philip's Church.

3377. But has he no other occupation in life besides being clerk to St. Philip's Church?—He is a schoolmaster too.

[The Witness withdrew.

Aaron Styles was called in; and, having been sworn, was Examined by Mr. *Norris*, as follows:

3378. You live in Bristol?—Yes. *A. Styles.*

3379. Where do you live?—In Mead-street.

3380. You are a voter?—Yes.

3381. Upon the morning of the last election did any one come to you?—Yes.

3382. Who was it?—A man named Stevens.

3383. Do you know where he works?—I believe he works at Mr. Eyre's.

3384. That is an oil and colour factory in Redcliffe-street, is it not?—I do not know. I have only been in Bristol three years.

3385. What did Stevens say to you?—He said, "Come and have some breakfast."

3386. Where were you to have breakfast?—He did not say.

3387. And what did you say?—I said, "No; I shall not go. I have got a breakfast of my own."

3388. Did any one else come to you in the course of that day?—Yes.

3389. A stranger to you?—I had seen him before.

3390. You do not know his name?—His nickname goes as Bloomfield.

3391. You do not know his real name?—No.

3392. What did the man with the nickname say to you?—"Here is 5 *s.* for you to come and vote for Mr. Miles."

3393. After he had offered you the 5 *s.*, what did you say?—I said I do not vote for Mr. Miles.

3394. You refused the money?—I refused it.

3395. Now did you see Stevens again in the course of the day?—They came back again; the same man came again.

3396. What did he say?—He said, "Come and vote for Mr. Miles;" I said, "I shall not go, I am going to vote along with my employer."

3397. Who was with you?—Mr. Bennett.

3398. Anybody else?—No.

3399. Was money offered to him as well?—Yes.

3400. You did not take the money?—No.

3401. You polled for Mr. Morley?—Yes.

[The Witness withdrew.

Albert Hawkins was called in; and, having been sworn, was Examined by Mr. *Norris*, as follows:

3402. Where do you live?—At Bedminster. *A. Hawkins.*

3403. In Bristol?—Yes.

3404. And you are a voter?—I am.

3405. Did you see a man named Stevens on the day of the election?—I did.

3406. Had you any conversation with him?—I had.

3407. What did he say to you?—The day of the election I was going from my employment to vote for Mr. Morley; he came up with the cab to the corner of Saint Luke's-road, and he says to me, "Where are you going?" I says, "To vote for Mr. Morley;" and he says, "Do not make a fool of yourself;" and I says, "Why?" He says, "Come and vote for Miles." He says, "You will get no expenses if you vote for Morley;" he says, "I will pay you for your day's work." I says, "That will not do, I am going to vote for Morley;" and says he, "I will give you 10 *s.* to come and vote for Mr. Miles." With that I left him, and went and voted for Mr. Morley.

3408. Was Styles with you at the time?—Styles was with me at the time, but at a distance from me.

3409. Was anybody else with you?—Mr. E. Bennett.

3410. You say that when Stephens told you this he got out of the cab?—Yes.

3411. Did you notice anything about the cab?—I noticed the cab to have a placard upon it, "Miles for ever;" a Blue placard.

3412. And when you refused him, were you pressed to go and vote for Miles?—I was very pressed; I was taken by the arm.

3413. Do you know who by?—By Stevens.

Cross-examined by Mr. *Matthews.*

3414. Were you working at the same place at this time?—I was working at the terminus, the Bristol Terminus.

3415. Were you working at the same place as Stevens at the time of the election?—I never did.

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3416. Then Stevens never worked with you?—Not in the same employment.

3417. What is your employment?—I am a mason.

3418. What is Stevens?—He works at Eyre's oil cloth manufactory.

3419. How long have you known Stevens?—I have known him by sight for about 12 months' but not to speak to.

3420. This was the first time that you had any conversation with him?—Yes.

3421. Did he know your name, or did he call you "Old fellow?"—He did not know me by name, but my brother-in-law is Mr. Bennett, and he knew him.

[The Witness withdrew.

EDWARD BENNETT was called in; and, having been sworn, was Examined by Mr. *Norris*, as follows:

E. Bennett.

3422. You also live in Bristol?—Yes.

3423. Where do you live?—In St. Luke's-road, New Cut.

3424. You are a voter for the city of Bristol?—Yes.

3425. Upon the morning of the election did any one come to you?—There did.

3426. Who was that?—Mr. Stevens.

3427. What is Mr. Stevens?—He worked at Messrs. Eyre's factory.

3428. Where is that factory?—Near Bath Bridge.

3429. What is the factory?—An oil and colour factory.

3430. What time did Stevens come to you?—About 7 o'clock.

3431. What did he say?—He asked me if I would go and have a bit of breakfast with him.

3432. Did you?—No.

3433. After you declined his invitation to breakfast, did he call again?—Yes.

3434. Was any one with him?—Yes.

3435. Who was with him?—I could not say who it was. I did not know them.

3436. When he called the second time, did he say anything to you?—He asked me if I would vote for them.

3437. For whom?—For Mr. Miles.

3438. And what did you say?—I told him no.

3439. Did any one else come to you afterwards?—There was a man of the name of Howell who was there at the same time.

3440. But after that did any one come to you?—Yes, Stevens came again.

3441. Whet did Stevens say when he came again?—He says that he was come for my vote, and I must go and vote with him; that I should vote with him.

3442. Did he offer you any money?—He said he would pay me two days' work.

3443. How much was that?—I can hardly say.

3444. How much were you to get; was any sum mentioned at all?—There was not.

3445. Who was with you at the time?—There was not anyone with me at the time.

3446. Did you see Stevens again about the middle of the day?—Yes.

3447. What did he say to you?—He said he was come after me to go and vote, and he would pay me the two days; likewise he would give me gold besides.

3448. When he said that, was any person present?—There were several about there, but whether they heard it or not, I could not say; there was Hawkins and another or two there, but whether they heard it I could not say.

3449. Did you come on foot, or horseback, or how?—On foot.

3450. And you refused his offer?—I refused the offer.

3451. And you voted for Mr. Morley?—I voted for Mr. Morley; he would give it me if I did not vote for Mr. Morley; he would give it me the same.

Cross-examined by Mr. *Matthews*.

3452. You did vote for Mr. Morley?—I did.

[The Witness withdrew.

Mr. Serjeant *Ballantine* stated that, seeing that the learned counsel for the Sitting Member had not cross-examined several of the witnesses with reference to bribery, he did not propose to call any further cases of bribery, but that he would prove a few cases of treating, before closing the case on behalf of the Petitioners.

MARK VIRGO was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

M. Virgo.

3453. WERE you a Waiter at the Committee-room in Pritchard-street?—I was.

3454. What was the name of the house?—I do not know that there was any name to the house; I think it was 25, Pritchard-street.

3455. Do you know who kept the house, and to whom it belonged?—Thomas Dredge kept the house.

3456. Were you there on the morning of the polling-day?—Yes, I was.

4457. And whoever kept the house, was that committee-room for Miles's side?—Yes, it was.

3458. What did you do in the committee-room?—I served the breakfast to the voters.

3459. Were the breakfasters served in one room, or more than one?—In more than one room; I served in one.

3460. What time did the breakfast commence in the morning?—Seven o'clock.

3461. And to what time did the breakfast go on?—Until 11.

3462. Then, after 11, was any other meal commenced?—Luncheon.

3463. How long did the luncheon continue going on?—Until 4 o'clock.

3464. Were you waiting there all that time?—I was.

3465. First, as to the breakfast; was the breakfast laid out on the table?—It was.

3466. Did any one to your knowledge pay for this breakfast?—I did not see anybody pay for this.

3467. Did anyone pay anything to you?—No.

3468. How

3468. How many persons should you say breakfasted there?—I should a hundred.

3469. To your knowledge were any of those 100 persons voters?—Yes.

3470. Could you name some of them?—Mr. Filer of Lick-lane, Mr. Shaddock of Wilder-street.

3471. Could you give any more names?—Mr. Betty of Rosemary-street.

3472. Can you give me any more names?—Mr. Allsopp and Mr. William Shellcock.

3473. In addition to persons who had breakfasted there, about how many persons do you think had lunch there?—I should think about the same number.

3474. Did they pay anything for their luncheon?—I did not see them pay.

3475. Did they pay to you or in your presence?—No.

3476. Was anybody asked for payment to your knowledge?—No.

3477. Did they ask leave to take their food, or sit down without asking leave?—They sat down without asking leave.

3478. You mentioned the name of Mr. Allsopp?—Yes.

3479. Is that Mr. Uriah Allsopp?—Yes.

3480. Did you also see a person of the name of Kearsey?—Yes, I did.

3481. What did Allsopp do there when you saw him?—He appeared very busy bringing voters up to breakfast.

3482. And when they had breakfasted, did you see them leave the house at all?—No; I was not in the committee-room.

3483. Did you see where he came from downstairs to the committee-room upstairs?—He came from downstairs.

3484. How long was Allsopp there; was he there part of the day or all day?—The greater part of the day.

3485. Did he take any part whatever in relation to the luncheon in the latter part of the day as well as the breakfast?—I did not see him.

3486. The breakfast he took part in?—The breakfast and luncheon.

3487. Did you see any cabs there?—I did outside.

3488. Had they any placards upon them?—Yes.

3489. What placards?—All Blue placards.

3490. Did you see whether Allsopp took people to those cabs or went to the cabs?—I could not see that.

3491. Were you canvassed by anybody?—Yes.

3492. By whom?—By Mr. Uriah Allsopp.

3493. Anybody else?—Mr. Lane and Mr. Shaddock.

Cross-examined by Mr. *Giffard*. *M. Virgo.*

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3494. You said something about voters being taken up to breakfast and luncheon, as I am told?—Yes.

3495. How do you know they were voters; do you know them personally?—I know them personally.

3496. Name them?—Mr. Betty, Mr. Shaddock, and Mr. Filer.

3497. Was that all?—There was a great many more that I could not mention.

3498. But I want to know; you say they were voters; do you know their names?—I know them to be voters.

3499. I ask you can you mention the name of any other person?—I cannot now.

3500. How long were you present?—From seven o'clock to five.

3501. What were you doing all that time?—Serving the voters' breakfasts and luncheons.

3502. I think you said that where the breakfasts and luncheons were served was not in the committee-room?—Upstairs.

3503. It was not in the committee-room?—It was not.

3504. How did you get to the breakfast-room, by going to the committee-room?—No.

3505. They were separate rooms?—They were separate rooms.

3506. Did you know the members of the committee who were there?—No, I did not.

3507. For aught you know every person who had breakfast and luncheon might have been a member of the committee?—I know that all of them were not.

3508. But how did you know it?—Because I know the parties I spoke of were not members of the committee.

3509. Then may I take it, with the exception of those three men?—Mr. Allsopp was one of the members of the committee, and he was there.

3510. I want to know, with the exception of these three men, whether all the others who had breakfast and luncheon had been members of the committee?—I do not know whether the others were.

3511. You do not know whether the others were?—I do not.

Re-examined by Mr. Serjeant *Ballantine*.

3512. How many were there altogether?—About 100.

3513. How many are there upon the committee?—I do not know.

3514. And you do not know whether the 100 were all upon the committee or not?—I do not.

[The Witness withdrew.

EDWARD WEBB was called in; and, having been sworn, was Examined by Mr. Serjeant *Ballantine*, as follows:

3515. ARE you the Landlord of the "Foresters' Arms," Bristol?—Yes, I am. *E. Webb.*

3516. And a voter for Bristol, are you not?—I am.

3517. Some short time before the election, did some persons of the names of Charles Ayres and Thomas Alexander, call upon you?—They did.

3518. Did they canvass you?—Yes, they did.

3519. On whose account?—On Mr. Miles's.

3520. Did you agree to vote for Miles?—I agreed after they had taken my room.

3521. Do you mean you made that condition?—They took my room, and paid me a sovereign.

3522. Mr. *Giffard*.] Have you been in this room during the proceedings?—I have not.

3523. Mr. Serjeant *Ballantine*.] How was your room used?—As a committee-room, it was to be.

3524. Was it used as a committee-room?—It was used on the morning of the election.

3525. How was it used?—It was for breakfasts.

3526. Breakfasts

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3526. Breakfasts to whom?—The voters and friends.

3527. Can you tell how many voters came?—I have given the names.

3528. Give us the names of a few of them; are you sure that some of them were voters?—I am.

3529. Did you charge anything to them?—No.

3530. Why was that?—Because I had an order for breakfast.

3531. From whom?—For Mr. Alexander.

3532. Have you sent the bill to him?—I took the bill to Mr. Ayres.

3533. Did he pay you?—No.

3534. What did he say then?—He did not pay me.

3535. Have you been paid up to this time?—Not all.

3536. How many breakfasts did you provide?—I had orders to provide 16, but I had 20.

3537. How much beer did you provide?—Sixteen gallons I had an order for, first, and then I was told to get some more beer, and then I charged for 25 gallons.

3538. Did you see Allsop at all?—I did not.

3539. Or Parsley?—I did not.

3540. Only Mr. Ayres and Alexander?—Mr. Ayres, Alexander, and Mr. Lewis; Mr. Lewis gave me a sovereign.

3541. For the room?—For the room.

Cross-examined by Mr. *Matthews*.

3542. Then I understand you could not name any of the voters who breakfasted?—I did name them.

3543. I did not hear you?—I did not name them here.

3544. Could you name them here?—Thomas Jenkins, for one.

3545. Go on?—I must collect my memory; I think I can find you one or two others; John Yandell.

3546. Go on; can you find out any other names?—Robert Cozens.

3547. Any others?—I could not collect my memory exactly.

3548. Do you know, or not, whether these men were acting upon any committee?—I do not know anything about that.

Re-examined by Mr. Serjeant *Ballantine*.

3549. Is Mr. Charles Ayre the son of Alderman Ayre?—Sir John Ayre is some relative; I could not say whether he is a son or nephew.

3550. Mr. *Matthews*.] Are you personally acquainted with Sir John Ayre?—No; he is no friend of mine.

[The Witness withdrew.

Mrs. Selina Dredge, was called in, and having been sworn, was examined by Mr. Serjeant *Ballantine*:

Mrs. *S. Dredge.*

3551. I believe your name is Selina?—Yes.

3552. And you are the wife of the landlord of No. 55, Pritchard-street;—Yes.

3553. Is that a licensed house; a public-house?—A private house.

3554. Did you supply any provisions or entertainment during the election?—There was breakfast at my house for the gentlemen belonging to the committee.

3555. For the gentlemen belonging to the committee?—I understand so.

3556. Do you know anything about the parties who breakfasted there?—No, I do not.

3557. Did you see any of them?—I served some of them myself.

3558. Did you send in any bill to the central committee?—I did not.

3559. Do you know of any bill being sent in?—I do not.

3560. Do you know, from your husband, of any bill being sent in?—No, I do not.

3561. Where is your husband?—I do not know where he is.

3562. Have you no idea?—Not the least.

3563. Is he out of the way on purpose?—Not that I am aware of.

3564. Do you mean to say you have no notion where he is gone?—Not in the least.

3565. Have you not heard from him?—I have not.

3566. Are you not very anxious about him?—I am; of course I am.

3567. How long has he been gone?—A fortnight on Wednesday.

3568. Have you not ascertained that he is quite well?—No, I have not.

3569. How long have you been up here?—I came on Saturday morning.

[The Witness withdrew.

Thomas Ely was called in; and, having been sworn, was Examined by Mr. *Norris*, as follows:

T. Ely.

3570. You live in Bristol?—I do.

3571. Where do you live?—No. 4, Vine-row.

3572. Previous to the election were you canvassed by any one on behalf of Mr. Miles?—There were two parties called on me, but I was not at home either time.

3573. Did you go to the committee-room on St. Michael's-hill?—I did.

3574. Did you also go to the "King David Tavern"?—I did.

3575. What did you go for?—I was invited by a gentleman to breakfast there.

3576. Did you go to breakfast there?—I did.

3577. That was the Conservative committee-room?—I did not know whether it was a committee-room.

3578. It was the Conservative room?—It was the Conservative room.

3579. Mr. *Giffard*.] Where did you go to breakfast?—At the "King David."

3580. Mr. *Norris*.] Did you see any other people there when you went there to breakfast?—I did.

3581. How many?—I should say about 20.

3582. Some were voters?—Yes.

3583. Could you give the name of any one voter you saw there when you were at breakfast?—I do not know whether the party was a voter who invited me, his name was Cates.

3584. Was he breakfasting there?—I seen him in the room; I was invited there.

3585. Was he breakfasting there?—He came into

into the room; all I had to do was to have my own breakfast.

3586. I ask if you can tell me the name of any one person whom you know from these 20 to be a voter?—I do not know; I have been living in the parish just 34 or 35 years, and I do not know their names.

3587. Do you not know one of them; of the 20 that were breakfasting there?—I think there was a man of the name of Crabb there.

3588. Is he a voter?—He lives in a house along the road.

Mr. *James* stated that he was on the register.

3589. Mr. *Norris* (to the *Witness*).] At any rate, did you see any money paid by the people who were having breakfast there?—No.

3590. Did you pay anything?—No, nothing at all.

3591. Did you go to the "Eglington Arms?"—Yes, I did.

3592. Did you have anything to drink there?—I had a joey of brandy.

3593. What may a joey of brandy be?—I think it was half a noggin. *T. Ely.*

3594. What other public-house did you go to?—I went to the "Scotchman's Pack." 23 June 1868.

3595. Did you pay for that?—No.

3596. And did you have another joey of brandy there?—No.

3597. Did you notice other people taking brandies?—No, I did not.

Cross-examined by Mr. *Matthews.*

3598. You were acting as messenger, were you not?—No, not this time. I had been at Freemantle's election.

3599. You were known as a man who had been employed in this sort of work?—I had been before.

3600. You are not aware what Mr. Crabb ate or drank?—No, I had enough to do to mind my own business.

[The Witness withdrew.

THOMAS PRATTEN was called in, and sworn.

3601. Mr. *Matthews.*] Have you been in the room?—I was in the room yesterday, and a little bit this morning.

The Witness was directed to withdraw, his evidence being inadmissible. *T. Pratten.*

Mr. JAMES WORNELL was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

3602. You reside at Bristol?—Yes.

3603. Do you know the house, 54, Queen-square?—Quite well.

3604. Before and during the election, did you see any posting bills attached to the house?—Yes, I did.

3605. What was upon them?—"Miles's Central Committee Room."

3606. Was that in large posting letters that anyone could read?—Yes. Mr. *J. Wornell.*

3607. Were they bill posters?—Yes, I have a bill here that was made out.

[The Witness withdrew.

Mr. ROBERT COOMBES, was called in; and, having been sworn, was Examined by Mr. *James*, as follows:

3608. ARE you clerk to Messrs. Brittain & Sons, who are the solicitors to the petitioners in this case?—I am.

3609. Have you had the charge of serving Speaker's warrants, and notice of attendance upon the different witnesses?—I have.

3610. Upon the 15th of June, did you call at 54, Queen-square, and inquire for Mr. Hyde?—I did.

3611. Could you find him?—I could not.

3612. Did you see one of the clerks there?—I did.

3613. Were your inquiries made of him?—They were.

3614. Could you learn when Mr. Hyde would return?—I could not.

3615. On the 16th of June did you call again?—I did.

3616. Did you make the same inquiries; did you then learn where Mr. Hyde was?—No, I did not.

3617. Did you, on the 17th, call to see where Mr. Hyde was?—I did, and could not learn where he was.

3618. Did you call at his private residence?—I did.

3619. Did you see one of his daughters?—I believe I did; I saw a young lady in the house. Mr. *R. Coombes.*

3620. Did you inquire of her where Mr. Hyde was?—I did.

3621. Did you see him, or could you learn where he was?—I could not.

3622. Could you learn whether he was at home or not?—No, they said he was not at home; that he was out of town.

3623. Do you know this person, William Octavius Owen?—Yes.

3624. Do you know his lodgings?—I do.

3625. Did you call there on the 16th, 17th, and 18th of June?—I did.

3626. Did you make inquiries for William Octavius Owen?—I did.

3627. Could you find him or obtain any information as to where he was?—I could not.

3628. Did you learn from the people of the house whether he was in Bristol, or not?—They said he was not in Bristol.

3629. Did you learn how long he was away?—A week.

3630. Did you learn how long he was to be absent?—Four or five weeks.

Mr. *R. Coombes.*

23 June 1868.

3631. Do you know this man of the name of Good?—I do.

3632. Did you call at his house?—I did.

3633. Where did you call?—I called at his house, at his address.

3634. Where did you get the address from?—From the directory.

3635. Whatever address was given in the directory, did you call there?—Yes.

3636. Could you find him?—I could not.

3637. Have you been over to Bath?—I have.

3638. Did you call in Bennett-street, Bath, upon Mr. Barry?—I called.

3639. Did you see his daughter?—I believe I did.

3640. Did you see somebody at the house?—Yes, I saw two persons in the house; females.

3641. Did you learn whether Mr. Barry was in Bath, or not?—They said he was out on registration business.

3642. You could not find him?—I could not.

3633. You called upon those persons to endeavour to serve notices, and serve warrants upon them?—I did.

Cross-examined by Mr. *Matthews*.

3644. Did you serve warrants upon Mr. Uriah Allsop?—I did not.

3645. Did somebody?—Mr. Clark did.

3646. You have brought him here yourself, have you not?—I did not bring him.

3647. I do not mean in your pocket?—I did not bring him in my pocket, or with me.

3648. You and your firm have brought him up?—We have brought him.

3649. Have you also brought Dr. Robertson here?—I did not bring him; I came here this morning.

3650. Have you or your side brought him here as a witness; you are an attorney's clerk; do not shuffle with my questions?—I came up this morning; I did not know as to that.

3651. Do you know that your firm, or your employers, the attornies to this petition, have been the persons to bring Dr. Robertson here?—I did not serve him.

3652. Do you say you do not know that your own employers have been the people to bring up Dr. Robertson here?—Yes; I believe that a clerk in the firm served him.

3653. And believing that, you thought it right to say you did not bring Dr. Robertson here?—I know he was served.

3654. Did you select the Ascot week to go and look for these people?—It was on Monday the 22nd that I was making those inquiries.

3655. On the 16th, 17th, and 18th that you were there, was there anybody at Ascot races to see whether Mr. Hyde was there?—I do not know.

3656. Have you found that when men of business go to the races they are not willing that all the world shall know where they are?—I find them very unwilling that anybody should know where they are, and have been told to mind my own business.

3657. Have you brought up Alderman Woodward?—Yes; I served him.

3658. And Daniel Parsley?—I have been told that he has been served by some of our people.

3659. You were at Bath last Monday week?—Upon the 22nd.

3660. Do you know whether Dr. Robertson has had any notification to attend, or whether he has had only a Speaker's warrant and has attended of his own accord?—I do not know.

Mr. Serjeant *Ballantine* stated that that concluded the case on behalf of the Petitioners.

Mr. *Matthews* applied for an adjournment until to-morrow.

[Adjourned to To-morrow, at Eleven o'clock.

Wednesday, 24th June 1868.

EDWARD HOWES, Esq., in the Chair.

The names of the Members were called over:—All present.

Mr. *Giffard* was heard to open the case for the Sitting Member; and called the following Evidence.

Dr. Henry Robertson was called in; and, having been sworn, was Examined by Mr. *Staveley Hill*, as follows:

Dr. *H. Robertson.*

24 June 1868.

3661. Are you an old resident in Bristol?—I am.

3662. How many years' standing resident in Bristol?—Nearly 28.

3663. You have filled different appointments in Bristol to which I will not refer further. Were you Chairman of the St. James's Committee?—I was.

3664. I will not go through all the preliminary matters with reference to the election. Do you remember being at a meeting at which Mr. Miles was present?—You refer to St. James's Hall.

3665. Yes?—I do.

3666. When was that?—I do not recollect the time, but I was present when Mr. Miles came in.

3667. Mr. Miles came in, and addressed the meeting?—Yes.

3668. Have you, as an old resident at Bristol, been for some time acquainted with Mr. Miles?—I did not know him.

3669. I will not take you through much more than the evidence which has been given with reference to you; we have had before us here a person of the name of Woods, that called himself, in his full Christian name, William Wilkinson Woods; what was your acquaintance with Woods before the election?—Never saw him before the election.

3670. Did you know also a person of the name of Cox before the election at all?—No.

3671. Were you aware that either of them were ever in the same committee-room with you?—It has been called to my recollection that Woods was in the committee-room on the day of the election.

3672. In what way has it been recalled to your recollection, that Woods was in the committee-room with you?—I was asked if Woods was in the committee-room; I said, "I do not know such a person," and he was described as a person with a light dress, and hat on; I then recollected that such a person was there.

3673. Except by that description, you had no knowledge that Woods was in the room at all?—No.

3674. And that description has been given to you since Woods gave his evidence here?—No, prior to that.

3675. You knew Barry, did you not?—I did.

3676. Did you know of Barry giving Woods any money?—No.

3677. Did you know a person of the name of Horder?—I did.

3678. Have you seen what Horder has said about your having given him 50 quarts or pots of beer?—Yes.

3679. Did you ever give to Horder an order for 50 quarts or pots of beer?—No.

3680. Or any other beer?—No.

3681. Did Horder say anything to you about beer?—He did; he asked me if I would give an order for beer, and I said I would not.

3682. And when you said you would not, did you call his attention to a notice that nothing was to be given?—A printed paper that was on the wall.

3683. Now, after the election did Horder present a bill to you?—He did.

3684. And what did you say to him with reference to that bill?—I never gave any order with reference to that.

3685. Did you say so to him?—I did, on more occasions than one.

3686. Are you quite clear that you had given no such order?—Quite satisfied.

3687. What was the placard on the wall to which you drew his attention?—That nothing would be paid for unless it were signed for by the signature of the chairman of the committee, or words to that effect.

3688. Was this put up in all the parochial committee-rooms?—I am not aware of any other rooms.

3689. But it was put up in the one room to which you went, the St. James's?—Yes.

3690. Now I will bring you to Woods. Do you know a place in Bristol called Sims-alley?—Yes.

3691. Did you ever send Woods to Sims-alley?—I am not aware that I did.

3692. Is it true that Woods ever came to you, and said, that he had a lot of voters who wanted 1*l.* each for their votes?—No.

3693. Did you ever say one word to Woods about giving any money for any votes?—No.

3694. Or did Woods ever venture to say one word to you about any money being given for any votes?—No.

3695. It is utterly untrue?—Utterly untrue.

3696. You say that you recollect now when Woods was in the room; do you think that Barry was in the room at the time or not?—Barry was there the whole day.

3697. With reference to votes, or any matter with regard to illegal payments, or corrupt practices, did anything pass between Barry and Woods in your presence?—No.

Dr. *H. Robertson.*

24 June 1868.

3698. Did Woods ever mention Horder's name to you?—I do not think he did.

3699. Do you ever recollect having any conversation with Woods on the subject of Horder?—No.

3700. Or payments to Horder?—No.

3701. We have also heard of a set of persons who are dignified by the name of "Horder's gang"; when did you first hear the name or the words "Horder's gang"?—I never heard of it at all until I saw it in the newspaper during this inquiry.

3702. The evidence on this Petition?—Yes.

3703. That is the first time you ever heard the words "Horder's gang"?—Certainly.

3704. Or ever knew there was such a class of persons?—Certainly.

3705. Now, with reference to Horder's house, do you remember after the election going to Horder's house?—I was carried in there by the mob.

3706. You were going past Horder's house, and were carried in by the mob?—By the mob.

3707. What day was this?—The day of the election.

3708. What time of the day?—It would be between five and six in the afternoon, I think.

3709. Was there a considerable crowd about Horder's house?—In the front of the house there was.

3710. Were you recognised by them?—By them.

3711. And they carried you into Mr. Horder's house, did they?—They did so, at least they hustled me in, they did not absolutely carry me off my legs.

3712. Was there a general cry out for anything?—Yes, to give them something to drink.

3713. Do you know who those persons were at all?—I cannot call to mind at all.

3714. Being hustled to the house, how did you get away?—By throwing two half-crowns on the table to get away.

3715. Is that the only payment that you ever made to or on behalf of Mr. Horder?—Quite so.

3716. And you were not sorry to effect your escape at that cost?—I was very tired and glad to go home.

3717. Have you told us that you know Richard William Cox?—No.

3718. Do you know any person at all that answers to the discription of Richard William Cox?—I do not.

3719. And above all, do you know Mr. Cox well enough for him to have introduced Woods to you?—I do not know Cox at all.

3720. And he never did introduce Woods to you?—I am not aware that he did.

3721. Did Cox ever say one word to you about Horder?—No.

3722. I believed that you canvassed Horder, did you not?—I did.

3723. Did you call on him more than once for his vote?—On several times.

3724. Had he promised you the vote?—No.

3725. Did Horder come to the committee-room on the morning of the election?—He came to the committee-room; whether it was in the morning or not, I do not recollect.

3726. He came to the committee-room on the day of the election?—Yes.

3727. Did he say anything to you?—Wanted me to give him an order for beer, which I refused point blank.

Cross-examined by Mr. Serjeant *Ballantine.*

3728. Who asked you, or did you volunteer to become a member of the committee?—I had been chairman of the committee for some years.

3722. Chairman of what?—Of the St. James's Parochial Committee.

3730. What is that; a committee for the election of the Conservative Member?—It has stood so for years.

3731. I do not care how it stood; is that its purpose?—Yes.

3732. And you have for many years been the chairman there?—I have.

3733. And I suppose you know that you were advertised in the papers as being chairman of the committee?—Yes.

3734. You were quite aware of that, for the purposes of the election?—Yes.

3735. For the purpose of supporting Mr. Miles, that you were well aware of?—Yes.

3736. Securing the election of Mr. Miles?—Yes.

3737. Had you full authority to do what you liked; I suppose you had some communication with Mr. Miles?—None whatever.

3738. Did you not see him?—I never saw him but twice in my life.

3739. But whom did you see upon the subject of this election; anybody?—It was a member of the central committee, in Queen-square.

3740. But you must have taken some interest in the gentleman that you were supporting; I suppose that you had some sort of communication from him, or with him?—Neither from him, nor with him.

3741. Not from anybody?—Excepting the committee themselves.

3742. Who is Barry?—I do not know what he is.

3743. But he was in your committee-room?—Yes.

3744. I suppose you knew something of your committee-room, and something of the people engaged in it?—Yes.

3745. Was Barry engaged in it?—Yes.

3746. You knew that he was engaged in it?—Yes, and I admit it.

3747. What was he engaged as?—As clerk, or secretary.

3748. What may be the duties of clerk or secretary?—Writing circulars, and directing the canvassers.

3749. And to be constantly in the committee-room?—Constantly in the committee-room.

3750. So there he was avowedly as servant to the committee?—Yes.

3751. Do you know anything about Barry?—Nothing at all.

3752. Have you cast eyes upon him since the election?—I have.

3753. When did you see him last?—I think within a fortnight.

3754. Where?—In Bristol.

3755. Had you any communication with him?—I saw him, and he asked me if the Petition was going on with reference to the election, and I told him I believed it was.

3756. And then he disappeared?—I asked him where he was going, and he told me he was going to Bath.

3757. At all events you have not seen him in Bristol since?—No.

3758. Have you seen him here at all?—No.

3759. Have

3759. Have you ever seen him since that day you told him that the petition was going on?—No.

3760. Have you endeavoured to find him at all?—No.

3761. Who engaged him?—I do not know.

3762. Was it not your duty?—No.

3763. What was the ordinary course of business in engaging the employés in your committee?—Writing out the names and sending out circulars.

3764. I want to know the ordinary course of employment of the servants and parties engaged by your committee; you have some course of business, I suppose, specially, you know, as you have been so often chairman. You know I am talking to you; knowing that, I shall get all the information; now tell me?—He was employed to write letters and circulars.

3765. Who appointed him?—I no not know.

3766. Who had any power to appoint him?—I do not know.

3767. Did he come without any appointment there?—He came in and said he had been sent there as clerk or secretary.

3768. Who did he say sent him?—From the central committee.

3769. And you at once accepted him?—Yes.

3770. You knew nothing of him before?—Never saw him before.

3771. You accepted him as secretary?—Yes.

3772. Did you know Allsop?—I do.

3773. Did you know that he was very active in the election?—Yes.

3774. What post did he fill, do you know?—Not of myself; I have heard he has been vice chairman of St. Paul's.

3775. And he was very active, was he not?—I believe he was.

3776. Was he ever at your committee?—I do not think he was.

3777. Just recollect?—I never saw him there.

3778. You are quite sure of that?—Yes.

3779. Now about Woods; you know who I am speaking of?—Yes.

3780. Do you know whose handwriting that is in (*handing a paper to the Witness*)?—No.

3781. You have no notion whose handwriting that is?—No.

3782. You never saw it before?—Not to my knowledge; I have not the slightest knowledge whose it is.

3783. You say you know an interesting locality, called Sims-alley?—Yes.

3784. Do you know that Weaver lived in Sims-alley?—I do not know him.

3785. Do you know that any voters lived in Sims-alley?—There were voters, but I did not know their names.

3786. But you did not know that Weaver lived there?—No.

3787. I suppose that you kept the register at the committee room?—Yes.

3788. Now I want you to brush up your memory about Woods, because I am sure that you would not like to impute anything untrue to him. Do not you remember Woods perfectly well coming to you now?—Wood, of Sims-alley.

3789. No; Woods with an "s;" William Wilkinson Woods?—I recollect seeing that individual in the committee.

3790. Did you speak to him, or he to you?—I think I did.

3791. What did you say; what did he say to you, and what did you say to him?—I have no recollection at all.

3792. I do implore you?—I really do not recollect.

3793. For the sake of your position as chairman, wishing to tell the whole truth, because Woods you know has told us something, and you owe to youself to tell us what he did say; William Wilkinson Woods?—I do not recollect.

3794. Do strain your memory?—I would speak freely if I recollected.

3795. How long was he talking to you?—That I do not know.

3796. How do you know he was talking to you, if you do not recollect a word he said?—I do not recollect what he said.

3797. Attend; I am speaking now of the day of the election; now you know that Mr. Woods has imputed a conversation to you, and imputed directions to you; I ask you whether you can tell me how long you and Woods were talking together; whether it was half an hour, or a quarter of an hour, or an hour?—I certainly was not in conversation with him a quarter of an hour at all.

3798. What do you mean by "a quarter of an hour at all"?—In conversation with him.

3799. How long were you in conversation with him?—I really do not know.

3800. What was it about?—I do not know whether he said he came to assist in the canvassing or not.

3801. Did he say so?—I think so; I am not sure.

3802. You feel pretty sure?—Yes, I think he said so.

3803. Assist in the canvassing; in what way?—Canvassing.

3804. He came to propose to canvass?—Yes.

3805. That was on the polling day?—Yes.

3806. He came to propose to canvass, and that was on the polling-day; well what did he say about canvassing?—I really do not recollect.

3807. I must ask you to try; you know I am dealing with you as a man of position and education in Bristol, and I must ask you to recollect what Wood's said; you know my learned friend has imputed perjury to Woods; that is either the fact or not; what did Woods say about canvassing?—I think he said that he came to assist in the canvassing.

3808. What did you say to him?—We did not want any assistance.

3809. Did you say so?—I believe so.

3810. Will you swear you did?—Yes, to the best of my recollection.

3811. You will swear you recollect you said to Woods you did not want any assistance?—To the best of my recollection I did.

3812. Will you swear it positively?—To the best of my recollection.

3813. It is oath against oath?—To the best of my recollection.

3814. Then you will not swear positively?—No; to the very best of my recollection.

3815. I ask you whether this is not what took place; did you not say to him, "Are you doing anything to-day"?—No.

3816. Will you swear that that did not take place?—I will swear that.

3817. That you did not ask him whether he was doing anything to-day?—I will.

3818. Or anything of the kind?—Nothing of the kind.

3819. Or

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3819. Or, "Are you going to do anything," or any words to that effect?—No.

3820. Then you never put any such question to him?—No.

3821. You are sure of that?—Yes.

3822. If you did not say those words he imputes to you, what, upon your oath, will you undertake to say that you did say?—I do not recollect.

3823. Then how, if you do not recollect, can you pledge your oath that you did not ask him that question that I put to you?—I do not recollect.

3824. That is all you can say?—That is all I can say.

3825. Was Barry within hearing at the time of this conversation?—He may or may not have been.

3826. Have you no belief on the subject?—No.

3827. You have no knowledge or belief as to whether he was present or not?—He was in the room.

3828. And how near to you?—I do not know.

3829. Was he speaking to Woods?—Not at the time I was.

3830. Did you see him afterwards speak to Woods?—I think I did.

3831. Then after he had had some conversation with you, you think you saw him speaking to Barry?—Yes.

3832. You are sure you did, are not you?—Well I saw him speaking to Barry.

3833. You are certain, are not you?—Yes.

3834. Why did you say "I think"?—I could not recollect at the moment.

3835. How long was he speaking to Barry?—I do not know; I was engaged in other matters.

3836. About how long was he in conversation with Barry?—About a minute or two.

3837. Or five or six?—It may be.

3838. As I perceive your memory is a little improving under this polishing process, allow me to ask you, are you quite sure that Woods said nothing about Sims-alley?—I have not the slightest recollection of it.

3839. Try and recollect; you know Sims-alley?—Yes.

3840. And you know now that my learned friend has reminded you about Horder's gang; now are you quite sure that Woods said nothing about Sims-alley; you know it may have been perfectly innocent?—I have no recollection he did.

3841. Will you swear he did not?—I have not the slightest recollection of it.

3842. But you will not swear he did not?—I will not swear that he did not; but I have not the slightest recollection of it.

3843. Will you swear that you did not send him to Sims-alley; now you know that is a question that, as chairman of a committee, you cannot have any doubt upon?—Well, he and some others were furnished with a list of voters to canvass.

3844. Who furnished them?—I sat at the table writing the list of those who were not polled.

3845. For the purpose of furnishing him?—Yes.

3846. Why did you swear that you told him you did not want him; why did you swear just now that you refused to allow him to canvass?—I did not say that.

3847. You told him that you did not want him to canvass?—Yes.

3848. And then you furnished him with a list?—Him and the other canvassers.

3849. Why, if you did not want him to canvass, did you furnish him with a list?—I gave him a list of those uncanvassed with others.

3850. For what purpose did you furnish Woods with a list?—Not Woods alone.

3851. For what purpose did you furnish Woods, with others, with a list?—That he may canvass them.

3852. Why did you do so, when you said that you did not want him to canvass?—Well, I thought it was necessary that the voters should be brought up to the poll.

3853. You thought it was necessary that the voters should be brought up to the poll by Woods, whom you would not let canvass?—He, with others.

3854. Then why did you tell me you told Woods you did not want him to canvass, and then furnished him with a list. Answer that question?—Well, I thought it was my duty to get every one to vote I could.

3855. Now we are getting on; you thought it your duty to get anybody to vote that you could?—Everybody.

3856. And so you furnished Woods with a list; is that so?—Yes.

3857. What made you tell me before, that you told him that you did not want him?—I did not think that we did.

3858. How soon afterwards did you think that you did; had you a communication from Barry before you thought you did?—No.

3859. Then how soon afterwards did you think you did?—Well, the canvassers were coming in continually.

3860. How soon after your saying you did not want him did you think you did?—I do not know.

3861. How long was he in the committee-room?—That I cannot tell.

3862. Five minutes or ten minutes?—I cannot tell.

3863. Did you change your mind in 10 minutes?—I cannot say.

3864. In half an hour?—I cannot say.

3865. Then how soon did you change your mind?—I do not know that I did change my mind.

3866. Did not you yourself, personally, send Woods to Sims-alley?—Not Woods alone.

3867. No, not alone; I know that. Did you send Woods and others to Sims-alley?—I gave them a card with the names of persons in Sims-alley to canvass.

3868. Was Cox the other man?—I do not know Cox.

3869. Just look here. I have got down what you solemnly swore in your examination in chief; these are the words: "I am not aware that I sent Woods to Sims-alley;" what made you swear that?—Not Woods alone.

3870. Then that is what you meant?—Yes.

3871. When you swore you were not aware that you sent Woods to Sims-alley, you remembered perfectly well that you had sent him to Sims-alley, and not alone?—Yes.

3872. And that is what you meant?—Yes.

3873. Do you, as an educated gentleman, in the presence of many people from Bristol, mean to swear that that is what you meant?—That I sent Woods with others.

3874. Then

3874. Then when you told my learned friend that you were not aware that you had sent Woods to Sims-alley, what you meant was, that you had not sent him alone?—Yes.

3875. But sent him with others?—Yes.

3876. You meant to imply that at time?—Yes.

3877. That is what you swear?—Yes.

3878. Now among the people in Sims-alley that you sent him to, were two persons of the name of Wood and Weaver?—I do not know them.

3879. But did you know their names; you had got the registry?—I had copied from the registry.

3880. Let us have it out at once?—I do not know Weaver and Wood at all.

3881. I know you do not; you would not know people of that kind unless you were treating them as patients; perhaps you were on this occasion. Do not you know the names of Wood and Weaver?—I have heard of the names.

3882. Were not those two of the people that you sent Woods. Now, Doctor, I am a bit of a doctor too, you see: as my learned friend says, "It is a perfect cure." Now then, Wood and Weaver were two of them, were they not?—Wood and Weaver were persons in Sims-alley, I presume.

3883. Whom you sent to?—I believe so.

3884. Now we will go to another matter you know of, and then I shall very soon be able to part with you; sorry for it. You saw Barry there?—Yes.

3885. Writing?—Yes.

3886. Anything else?—No.

3887. Come doctor; nothing else?—I saw him do nothing else but write there.

3888. You swear that?—Yes.

3889. Nothing at all else?—Nothing at all.

3890. Never saw him pay any money?—Certainly not.

3891. Do you know Maggs at all?—Yes.

3892. He was one of your men; George Maggs?—Yes.

3893. Where used Barry to sit?—At the table where I sat generally.

3894. Then if he had paid money, must you have seen it?—Certainly.

3895. He could not have paid money without your seeing it?—I think not.

3896. Then I dare say you will not object to swear that he never did pay money?—I never saw any money paid.

3897. Did you hear anyone ask him for money?—No.

3898. Just tell me this: were any of the people kept on the following day after the polling?—No.

3899. None of them were employed after the polling?—Not after the polling-day.

3900. None after the polling-day at all; you are sure about that?—There was no purpose.

3901. Were any kept on after the polling?—I do not think there were.

3902. Do you know?—I do not.

3903. Were you at the committee-rooms the next day?—I went down there.

3904. Were any of the clerks or employés there?—They came there to receive their payment.

3905. They came there to receive their payment on the following day?—Yes.

3906. Who paid Barry?—I do not know.

3907. You had nothing to do with it?—Nothing at all to do with it.

3908. You knew Mr. Hyde, I suppose, very well?—I did.

3909. He was secretary of the central committee?—He was.

3910. Were the accounts all sent in to him, do you know?—They were delivered to his clerk.

3911. For him?—For him.

3912. By-the-by, he has gone to Bath, has he not?—I do not know.

3913. Do you know where he is?—No.

3914. When did you see Hyde last?—Weeks ago; probably five or six weeks ago.

3915. Had the work of the election rather affected his health?—I do not know.

3916. He has been out of town seeking health and retirement since, has he not?—I have not seen him.

3917. Is he a patient of yours?—No.

3918. Then you had nothing to do with sending him out of the way?—No.

3919. There is another gentleman named Owen; do you know him?—I know a man of the name of Owen.

3920. He was secretary of another committee, was he not?—I do not know.

3921. William Octavius Owen I mean?—I do not know that he was secretary of any committee.

3922. Do you know the man at all?—I know the man.

3923. You have not seen him in Bristol lately?—No.

3924. There has been a good deal of ill-health in Bristol lately?—Very healthy.

3925. Are the sick people gone?—Yes.

Re-examined by Mr. *Staveley Hill.*

3926. Have you any acquaintance with Barry?—None whatever.

3927. Are you in the habit of meeting him at any time?—No.

3928. He might leave Bristol easily enough without your knowing where he has gone?—Yes.

3929. Do you happen to know that he does live at Bath?—I have heard him say so.

3930. Now, as to this conversation with Woods; let us know when was it first brought to your knowledge that you knew a person of the name of Woods; when was the name first brought in connection with the man, to your knowledge?—About a fortnight since.

3931. Was his dress described to you, and did you recognise him from his dress?—Yes.

3932. As a man whom you had seen in the committee-room?—Yes.

3933. Did you see him, or have you ever seen him, to your knowledge, on any other day except upon that day of the election?—Never saw him on any other day either before or since the election.

3934. Now, upon that day of the election were there lists of voters being furnished from the committee-room to different persons?—To different canvassers.

3935. Did people come in, asking for names of voters to be taken to the poll?—Yes.

3936. Were those persons in the employment of the committee, or were they volunteers?—Volunteers.

3937. Did you furnish the lists of persons living

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living in any particular locality to anybody who came for them?—Yes.

3938. Now, to the best of your recollection, Woods may have been one of those volunteers?—Yes.

3939. And if he so came in you would have furnished him with a list?—Yes.

3940. And if he and others came in to ask for voters living in Sims-alley, a list would have been furnished to them?—Yes.

3941. Now, is that the whole of your knowledge with regard to what took place that day between you and Woods?—Yes.

3942. I need scarcely ask you; you have no definite recollection of any conversation with him or any other person?—No.

3943. Now, as to Maggs, did you know anything of Maggs at all?—Not previous to the election.

3944. Had Maggs received any orders to do any work in the matter of the election?—He volunteered his services.

3945. Was there any agreement ever made as to any payment to be made to Maggs or by Maggs?—Certainly not.

3946. All the work he did then was as a volunteer?—Yes.

3947. *Chairman.*] There are one or two questions the Committee wish to put to you. We have understood that, in the course of the examination, you said, when first examined, that you never sent Woods to Sims-alley?—Not alone.

3948. But at first, as we understand, you distinctly said that you never sent him to Sims-alley at all?—Not by himself.

3949. That was your subsequent statement?—That is what I meant to convey, that I did not send him alone; that he went with others to Sims-alley.

3950. Are you aware that he went specifically to that place, Sims-alley?—Yes, with others.

3951. What were these others; did they go with Woods, jointly canvassing or collecting voters?—Yes.

3952. When you first answered the question you said nothing about "others"?—Then it must have been an inadvertency on my part altogether. I certainly never meant to convey to the Committee that I meant to send Woods alone.

3953. However, you did distinctly afterwards send him with others to Sims-alley?—Yes.

3954. You gave lists of voters to different agents?—As the canvassers came in I wrote the names out on a card and delivered them.

3955. You are aware that you did give a list of persons living in Sims-alley to Woods?—Yes.

3956. I thought you said something about not knowing Woods till a fortnight ago?—No.

3957. Only about a fortnight ago it was that the name of Woods was brought to your knowledge?—Yes.

3958. You knew the man, but not his name?—Yes.

3959. You knew the man personally, but not by name?—Yes.

[The Witness withdrew.

Mr. JOHN WILLIAM STONE DIX, was called in; and having been sworn, was examind by Mr. *Staveley Hill*, as follows:

Mr. *J. W. S. Dix.*

3960. ARE you a Solicitor?—I am.

3961. Practisising at Bristol?—Yes.

3962. Were you secretary to the St. Philip and Jacob Parochial Committee of the Conservative Registration Society?—I was.

3963. Of that committee, was Alderman Fox the chairman?—Yes.

3964. And were you retained by him professionally?—I was.

3965. Did you do much in the way of canvassing?—Well, I did some little to it.

3966. You were active, were you not?—Most of the work devolved upon Mr. Fox and myself.

3967. Were you there pretty frequently?—Yes.

3968. Had you any communication with Mr. Miles?—None whatever.

3969. Or with any person on his behalf?—None whatever.

3970. With whom did you communicate in the matter of the election?—I communicated with the alderman, the chairman, Mr. Fox.

3971. Did you know anything of any breakfast being ordered or given?—Certainly not.

3972. Did you order any yourself?—No.

3973. Did you authorise or instruct any other person to do so?—No.

3974. Now, where was your committee held at?—The chief committee-room was at the "Lamb," in West-street; and the day of polling, at the old police-station.

3975. I believe St. Philip and St. Jacob is a very populous parish, is it not?—I think 30,000 to 37,000 inhabitants.

3976. And 2,100 voters?—Two thousand one hundred and forty-seven, I think.

3977. Besides freemen?—Besides freemen.

3978. I have asked you with reference to breakfasts, or any payments on account of refreshment; were there any payments made to any voters, as far as you know?—None at all.

3979. You never sanctioned any, did you?—No, certainly not.

3980. Were you ever applied to with reference to any?—No.

3981. Now, you have been sometime in Bristol, and I have no doubt are well acquainted with what goes on in Bristol; did you ever hear any set of people called "Horder's gang"?—The first time I heard it was in the learned Serjeant's opening speech. I saw it in the paper the next morning.

3982. He invented it, as far as you know?—In reading the Serjeant's speech the next morning, I saw "Horder's gang."

3983. That was the first time that you had ever heard of it?—Yes.

3984. Have you mixed with Bristol elections before?—I have voted before at Bristol elections.

3985. Mr. Serjeant *Ballantine.*] You decline to say "mixed"?—Well, if you ask me, I never was mixed with them.

3986. Mr. *Staveley Hill.*] Do you know a person of the name of Thomas Richard Moss, publican, at the "Pear Tree"?—I have seen him.

3987. Did

3987. Did you ever come upon him in company with Mr. Birminster?—Never.

3988. You did, I believe, see Mr. Moss, did you not?—Mr. Moss came to me.

3989. Where at?—At the "Lamb."

3990. What did he come for?—He said that his house was situate at the Whippingcat-hill, where there were a large number of voters, and offered a committee-room there.

3991. Did you take that committee-room?—I did.

3992. How much did you give for that committee-room?—Two guineas.

3993. And you hold his receipt, I believe?—I do.

3994. Now did you, at the time that you took the committee-room, give any orders to Moss with regard to refreshments?—No.

3995. Did you say anything to him on the subject?—I told him that the two guineas would be for the room, but no refreshment would be supplied.

3996. Did you say anything about paying for any refreshment?—Certainly not; I told him nothing would be paid for unless ordered.

3997. Did you ever hear of any refreshment ticket being ordered or given out by the committee, of which you were the professional secretary?—Certainly not.

3998. Now from your position, if such tickets were in circulation in your parish, would they be in circulation without the order, or without the sanction of the committee?—No.

3999. You answer is perhaps a little doubtful; would they be in circulation without the sanction of the committee; would it be without the sanction of the committee?—No, certainly not.

4000. They were not sanctioned, you mean?—They were not sanctioned.

4001. If such tickets were in circulation in the parish, would it be without the sanction of the committee?—Yes.

Cross-examined by Mr. *James*.

4002. My learned friend used the term that you were "retained;" were you the paid secretary, or the honorary secretary?—I was retained by Mr. Alderman Fox.

4003. I gather from that, that you were paid?—I have not been paid.

4004. But you were engaged as a professional man?—I was engaged as a professional man.

4005. I see you advertised in Mr. Miles's committee, "J. W. S. Dix, Honorary Secretary;" that does you wrong; you were not honorary secretary, but paid secretary?—I was retained by Mr. Fox, and expect to be paid by him.

4006. Whom did you debit it to; to Mr. Miles's committee?—Certainly not, only to Mr. Fox.

4007. Then Mr. Fox personally, do I understand you, engaged you to serve him?—Yes; rather to assist him.

4008. I beg his pardon and yours; and he told you, did he, that you were not to look to the election committee?—He did not tell me anything of that; he came in and retained me, and I took his retainer.

4009. Were you aware that you were advertised in the paper as being the honorary secretary of Saint Philip, and Jacob committee room, "for securing the return to Parliament of John William Miles, Esq."?—I did not see it until after the election was over.

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4010. You saw it then?—Yes.

4011. In a paper that was published before the election?—I suppose it must have been.

4012. Mr. *Staveley Hill.*] What is the date of it?—

Mr. *James.*] The 24th of April.

4013. (*To the Witness*). Then you, I gather, had no communication with Mr. Hyde?—None.

4014. Mr. Hyde was secretary at the central committee-room?—I believe he was.

4015. Did you go to the central committee room at all?—I think I went there once; I will not be certain.

4016. During the election?—Yes.

4017. Did you see the placards that were up there?—Do you mean any particular placards.

4018. The placards that were there?—I could not tell you; I saw that the walls were placarded with blue paper; what was on them I do not recollect.

4019. Where did you see Hyde last?—Yesterday in the street.

4020. In London?—Yes.

4021. Did you speak to him?—Yes.

4022. Do you know where he is?—No.

4023. Did you ask him?—No.

4024. Did he tell you?—No.

4025. Did you tell him the Petition was on?—I do not know that I did; we had some talk about it.

4026. Do you know, as a fact, that the account and expenses, for instance, of your committee, were sent to Mr. Hyde?—No.

4027. To whom were they sent in, to your knowledge?—They were sent to Mr. Fox.

4028. All the expenses of your committee were sent to Mr. Fox; you were assisting Mr. Fox; now can you assist me; do you know whether Mr. Fox sent them in to Mr. Hyde?—No.

4029. Do you know whether he did or did not?—No.

4030. You know nothing about it?—I know nothing about it.

4031. Just look at that refreshment ticket (*handing it to the Witness*); did you see any of those during the election?—No.

4032. Nothing like that; I do not ask if you saw that ticket?—No.

4033. Did you see it at any place; never mind your committee-room; did you see any ticket like that during the election in the committee-room?—No.

4034. Nothing like it?—No.

4035. Did you see any higher ticket, half-a-crown?—No; I saw no ticket of the kind during election.

4036. Afterwards?—I did, afterwards.

4037. Where?—I think it was at the "Lamb"; something was shown to me there.

4038. By whom?—By Mr. Short.

4039. Who is Mr. Short?—He is the landlord.

4040. How many had he?—He had a great many.

4041. Have you seen him here to-day?—Not to-day.

4042. Were the refreshment tickets printed with blue paper?—That is the only one I hav seen.

4043. Those that Mr. Short showed you, were they printed in blue?—Those are from Mr. Short.

4044. The

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4044. The tickets that Short showed to you, were they printed in blue?—Yes.

4045. How many do you think Short showed you?—Not more than three or four.

4046. You said that he had a great many?—He told me that he had.

4047. Did Short tell you whether he had given refreshments in return for those tickets?—He did.

4048. To what amount did he tell you?—That he had given none at all. Mr. Short told me he had given no refreshment whatever. He had taken the tickets as they were brought in from the Radical party, and put them aside.

4049. Short told you that he had taken the tickets as they were brought in from the Radical party?—Yes.

4050. From whom did he say that he got them; from the Radical party?—He did not say.

4051. You asked him?—Indeed I did not.

4052. What is the meaning of getting them "from the Radical party"; did one person bring them, or many?—Several persons of the Radical party had brought blue tickets to his house, thinking to take him in for refreshment.

4053. Did you ask the names of the persons who brought them in?—No.

4054. Why not?—Because I did not want to know.

4055. Why did you not want to know who brought them in; look at the ticket; you could have prosecuted them?—I knew we had issued no refreshments.

4056. Why did you not want to know who brought them in?—We had issued no tickets of our own, and we had heard that there was a hoax issued from the other party; and Mr. Short took the tickets as they were brought in, and he said, "I have them now;" and I said, "You had better keep them."

4057. You said that you did not want to know; why did you not want to know who brought them in?—I did not care about knowing.

4058. Why not?—Because it did not affect me at all.

4059. Not the frauds of the Liberal party, and you a paid agent of the other side?—Certainly.

4060. That is the only answer that you can give?—My answer is, that we had issued no tickets.

4061. To your knowledge?—To my knowledge. There was another order sent in, for a dozen of wine to, Mr. Short, signed "Dicks."

4062. Why was it that when he told you that members of the Liberal party had sent in those tickets, you did not want to know the names of those persons?—I have told you.

4063. Why did you not want to know the names of the persons who committed that fraud?—Mr. Short told me after the election simply how the tickets had been brought in, which he considered had been issued on the other side, and put them aside.

4064. Why did you not ask the names of the parties who brought those tickets?—I had no reason for not asking.

4065. You did not want to know; but you had no reason for not asking?—I cannot go further than that.

Re-examined by Mr. *Staveley Hill.*

4066. Was it a matter of common report afterwards that the Radicals had been playing this trick?—It was the common report during the day of the election.

4067. That they had been practising this fraud, if my learned friend likes that word better?—Yes.

4068. That they had issued a whole lot of refreshment tickets, and sent them in to the different Conservative houses?—Yes.

4069. Did Short show you those tickets, and tell you that he had not been taken in?—Yes.

4070. Amongst other things he showed you, was there this order for wine?—He did not show me that; he told me.

4071. Professed to be drawn for Mr. Dix, spelt "Dicks"?—Yes.

4072. You were asked with reference to the committee room in Queen-square; just try and recollect whether there were any placards at all upon the committee-room in Queen-square?—There were some placards; what they were I do not know; I do not remember.

4073. As far as you know, were there any words as to it being a committee-room or anything of that sort?—I do not remember; I will not speak to that; I know there were placards there.

4074. You had pointed out to you by my learned friend an advertisement with the names of certain committee men on it in that paper of the 24th April, in which your name appears as honorary secretary; had you ever authorized your name to be put in there?—Certainly not.

5075. Mr *James.*] What are you writing there in pencil.

4075. Mr. *Staveley Hill.*] If you are writing down anything to remind me of, there is no reason why you should not state it openly?—I saw in print that Moss said that he sent a bill into me for beer, and that I said it would be paid if he kept quiet; that is not true.

4077. Did anything of that sort take place between you and Moss?—No.

4078. And you say that the first time that that advertisement came to your knowledge was after the election?—It was.

[The Witness withdrew.

Mr. Francis Frederick Fox was called in; and having been sworn, was Examined by Mr. *Staveley Hill,* as follows:

Mr. *F. F. Fox.*

4079. Are you a Merchant and Alderman of the City of Bristol?—I am.

4080. And we are told that you were the chairman of the St. Philip's, what is it?—The St. Philip's Conservative Registration Association.

4081. And you were chairman of the committee?—I was.

4082. And Mr. Dix has told us that you employed him at the last election to assist you, is that true?—It is.

4083. Now, during that election what rooms had you for the purposes of the election?—Three.

4084. Where?—In the "Lamb Inn," West-street.

4085. Who took those rooms?—I did.

4086. Did you take them on your own authority, or had you any communication or authority from Queen-square?—Solely on my own authority.

4087. Now, did you hire any rooms for the use of the committee on the day of the election in different parts of the parish?—I did.

4088. What

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4088. What did you pay for each of those rooms?—Two guineas.

4089. Was there any breakfast or refreshment ordered at any of those rooms?—No.

4090. Was there any order given with reference to payment for breakfast or refreshment?—None.

4091. Did you give the persons at the time the rooms were hired, the respective people from whom the rooms were hired, any orders with reference to not paying for breakfast?—I told them that there would be no refreshments whatever.

4092. Now were there refreshments ordered at the "Lamb"?—For our clerks only.

4093. Now, as far as you know, were any waiters allowed within that room; if any came in, was it at all with the cognizance of the chairman or the committee?—Yes.

4094. Were there any voters, except the clerks and the committee men, admitted to that room to the refreshments?—No, not to the refreshments.

4095. Did Mr. Miles come to the committee-room at all?—The last day of the election he came.

4096. In your parish did Mr. Miles make any personal canvass?—No.

4097. We seem to have had some little mistake with reference to Mr. Birminster; were Mr. Birminster or Mr. Wear, either of them, members of the St. Philip's committee?—No.

4098. Or were they authorised to do any act by the committee?—They were not.

[The Witness withdrew.

Mr. Henry Robert Fargus was called in; and, having been sworn, was Examined by Mr. *Staveley Hill*, as follows:

Mr. *H. R. Fargus.*

4099. What are you?—I am an Auctioneer.

4100. Were you chairman of the parochial committee of the parish of St. Michael?—I was.

4101. We are told that the "King David" is within your parish?—It is.

4102. Upon the matter of the "King David" we had some evidence yesterday from a person of the name of Ely; were any breakfasts or refreshment ordered at the "King David"?—Not that I know of.

4103. Were they ordered by the committee of St. Michael's?—Certainly not.

4104. As far as being chairman of the committee, do you know of any breakfast being ordered or given for or to voters?—I do not.

Cross-examined by Mr. Serjeant *Ballantine.*

4105. Where were the accounts sent in to?—I had no accounts to send in; I disbursed nothing.

4106. Do you know to whom the accounts were sent?—I do not,

4107. The hire of the room?—The hire of the room was sent in to the secretary.

4108. To the central committee?—To the central committee.

[The Witness withdrew.

Mr. George Bragg was called in; and, having been sworn, was Examined by Mr. *Staveley Hill*, as follows:

Mr. *G. Bragg.*

4109. What are you?—An Ironmonger.

4110. Were you chairman of the committee of the castle precincts?—I was.

4111. Were you present at the meetings of the committee?—Two or three.

4112. Where was your room?—At my house.

4113. And on the day of the election, I believe, the committee-room was held at the old castle?—Yes, a portion of the old castle.

4114. Were there any breakfasts or refreshments ordered by your committee for voters?—No.

4115. And were there, to your knowledge, any provided for voters?—Not that I am aware of.

4116. Do you know a man of the name of Jacobson?—I do.

4117. He told you that he lived at the Tower Hill?—Yes.

4118. Did you order or say anything to him as to ordering breakfasts for any voters on the day of the election?—No.

4119. Did you ever give that man Jacobson anything for his vote?—No.

4120. Jacobson gave this evidence here yesterday; he was asked this question: "Did Mr. Bragg say anything to you before you went?—(*A.*) He said that I should be paid as soon as I came back. (*Q.*) Was any sum mentioned, or was it said for what you were to be paid?—(*A.*) Yes, 5*s.*" Did anything of that sort take place between you and Jacobson?—No; he asked me for his day's work, and I said "No; not to win the election."

4121. Not if it would win the election?—No.

4122. There are various answers to questions that I will not put to you in yesterday's evidence, at page 58; but did you give him any money for his vote?—No, I have not seen him since.

4123. Jacobson is asked, "Did you get any money from any one?—(*A.*) Yes. (*Q.*) From whom?—(*A.*) I went to Mr. Bragg and asked him, and he said 'I will pay you presently'; and then after leaving Tower Hill, I would go home and tell my wife that I would come back; and then I see Mr. Rowe, and he asked me, and says 'have you been and polled'? 'Yes,' I says; and he says, 'Have you got your money'? I says 'No, Mr. Bragg said he would give it to me presently,' and he said 'Come along with me;' and I went along with him, and down over the bridge to his house, the public, and he took me in and gave me 5*s.* (*Q.*) Then did you get any money from Mr. Rowe?—(*A.*) I told him that Mr. Bragg said he would pay me presently. (*Q.*) Having seen Mr. Rowe, did you get any money from him?—(*A.*) Yes. (*Q.*) How much?—(*A.*) Five shillings. (*Q.*) Did you tell him, or not, what had passed between you and Mr. Bragg?—(*A.*) I told him that Mr. Bragg had said he would pay me presently;" now did you ever give him 5*s.* in the way in which he suggests?—I did not.

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Cross-examined by Mr. Serjeant *Ballantine.*

4124. You know Jacobson then, do you?—I do.

4125. How long have you known him?—Perhaps five or six years.

4126. How did he vote, do you happen to know?—I believe he voted for Mr. Miles; I should think so.

4127. You have no doubt of it, have you?—No.

4128. Rowe told you so, did he not?—No.

4129. Have you seen Rowe?—I know him from having seen him in the streets.

4130. Is that what you mean to convey to the committee?—Yes.

4131. Is that all you know of him?—Yes.

4132. Have you never had any communication with him?—No.

4133. Never spoken to him?—Well he has been to my place of business perhaps.

4134. Please do not let us have any perhaps's; has Rowe been to your place of business?—Yes.

4135. About what?—Purchasing goods.

4136. Was it Rowe?—He keeps an inn.

4137. Public-house?—Yes.

4138. And you are an ironmonger?—Yes.

4139. And Rowe has come about kettles and things?—Yes.

4140. That is all?—Yes.

4141. Did you see him upon the day before the election?—No.

4142. Upon the day of the election?—Yes.

4143. About kettles?—No.

4144. What about?—He came into the committee-room.

4145. He saw you?—Yes, he saw me.

4146. What did he say?—He asked for bills or cards.

4147. For the purpose of canvassing?—I do not know.

4148. Have you no idea?—No.

4149. Did you give him any?—Yes, two or three.

4150. Without knowing what he wanted them for?—I do not know what he wanted them for.

4151. Before this Committee, you mean upon your solemn oath to say that you do not know what he wanted the cards for?—No, two or three cards.

4152. You have not the least idea?—To distribute, I suppose.

4153. Did you not think so at the time?—It may be.

4154. Have you any doubt of it?—I did not think of it.

4155. Have you ever seen Rowe since?—No.

4156. Have you seen him here to-day?—No.

4157. Does he live at Bristol?—I presume so; I do not know.

4158. Do not you know?—I do not know; I suppose he does; I have not seen him since the election.

4159. How do you know that he keeps an inn?—I know he did keep an inn before the election.

4160. You know him; do not repudiate your own customers in this way?—No, I do not.

4161. Has he bought anything since the election?—I have not seen him since the election.

4162. You know it is Rowe who is said to have paid the *5 s.* that you promised?—No.

4163. Do not you know that the allegation is that Rowe has paid the *5 s.* you promised?—No.

4164. This is the first time that you have heard of it?—Yes.

4165. Did not you hear that Rowe had paid him?—No.

4166. Not hear that Jacobson said so?—No.

4167. When did you come away from Bristol?—Last night.

4168. Were you telegraphed for?—Yes.

4169. What did Jacobson say to you?—On the day of the polling he asked me for his day's work.

4170. Did he mention what his day's work would be?—No.

4171. What did you say?—I could not do it.

4172. What did you understand by "day's work"?—He wanted his day's work.

4173. What did you understand by "day's work"?—Well, I do not know really.

4174. Now again, in the presence of this Committee and some intelligent townspeople from Bristol, do you mean to swear that you do not know?—No.

4175. No idea?—No.

4176. Then what did you mean by saying that you would not give it him if it gained the election?—I did not know what he meant.

4177. Then when you made that answer (now look at your Bristol friends), what did you mean by that answer?—I mean what I said.

Re-examined by Mr. *Giffard.*

4178. Tell me, did you know what he was working at at that time?—No.

4179. Did you know what his day's wages were?—No.

4180. What cards were they that were given?—For Mr. Miles. "Vote for Mr. Miles;" two or three cards.

4181. Any cards of that sort (*handing a card to the Witness*)?—No, five times as large as that.

4182. Nothing about refreshments on the card?—No.

[The Witness withdrew.

Mr. William May Sowder was called in; and, having been sworn, was Examined by Mr. *Staveley Hill,* as follows:

Mr. *W. M. Sowder.*

4183. Were you the secretary under the last witness, Mr. Bragg, and of which committee was it?—The Castle precincts; yes.

4184. Do you know Jacobson by sight?—Yes.

4185. Was there any application made in your hearing, or to you, for any sum of money by Jacobson?—No.

4186. Or did you see any payment, or was any payment made in your presence?—No, not a farthing.

4187. Now we come to the next point. Did any person come to your house at one time when you were with your wife; you have seen, I dare say, the evidence to which I refer yesterday?—No, I have not seen it.

4188. Did

4188. Did your wife give any money to any voters in your presence during the last election?—No.

Cross-examined by Mr. *James.*

4189. Is your wife here?—No.

4190. You knew the evidence given yesterday by Mr. Jacobson?—I have not seen the paper.

4191. You know the evidence given by Jacobson yesterday?—Yes.

4192. Did you see Jacobson the night of the polling?—I did not.

4193. The day of the polling?—I did not; I was not out of my house till after the election was over.

4194. Never mind after the election was over; were you in the streets with your wife before the election was over?—I was not.

4195. Or the next day?—I may have been the next day. Mr. *W. M. Sowder.* 24 June 1868.

4196. Did you see Jacobson at all?—I did not.

4197. You did not see Jacobson at any time in the company of your wife?—No.

4198. Or hear her speak to him, or him to her?—No.

4199. Is she quite well?—Yes.

4200. Nothing to prevent her coming?—No.

Re-examined by Mr. *Staveley Hill.*

4201. We telegraphed for you after we heard that story of Jacobson's?—Yes.

4202. And not for your wife also?—No.

4203. Can you say that she did not give 5*s.* to any voter in your presence or any other person?—No; I am positive of it.

4204. Are you positive of that?—I am; in my presence.

[The Witness withdrew.

Mr. Henry William Britton was called in; and, having been sworn, was Examined by Mr. *Giffard,* as follows:

4205. We have heard that you are a clerk in Mr. Miles's bank?—I am. Mr. *H. W. Britton.*

4206. I believe you were not a member of the St. Paul's committee?—No.

4207. But did you go there to give what assistance you could?—I offered my assistance.

4208. Mr. *James.*] That is no answer to the question?—Well, I gave my assistance.

4209. Mr. *Giffard.*] Did you go to bring a man named Stafford to the poll?—I did.

4210. After polling him, did you call on a person of the name of Simmonds, to try and get him to vote?—I did.

4211. Now just attend; is it true that you said to Simmonds, "You put the figure too high"?—No.

4212. Did you say "We are doing nothing with gold to-day"?—I did not.

4213. And did Simmonds say, "What do you mean, sovereigns," and did you say "Yes"?—I did not say, yes.

4214. And did Simmonds say, "how many"?—No.

4215. And did you say "one"?—No.

4216. And did Simmons say, "I should not think of such a thing;" and did you say, "Oh, very well; that is all we are doing this morning, and you had better then have them"; and touch your pocket, so that he could hear them chink; is that true?—No.

4217. Is there any foundation at all for that statement?—No, not the least.

Cross-examined by Mr. *James.*

4218. Which committee-room did you attach yourself to?—The St. Paul's committee-room.

4219. At that committee-room, Mr. Uriah Alsop was one of the vice chairman, was he not? Yes, I believe so.

4220. Do not you know?—No; I have very little to do with——

3221. Did you go to the committee-room?—I did.

4222. Who was chairman of the committee?—Mr. Woodward.

4223. Mr. Alderman Woodward?—Yes, Mr. Alderman Woodward.

4224. Did you see that advertised during the election (*handing a newspaper to the Witness*)?—I think I must have seen it; I would not swear I did.

4225. To the best of your belief?—I could not swear I had or had not.

4226. I ask, did you not know that Uriah Alsop was one of the vice chairman at the St. Paul's committee-room?—I do not recollect.

4227. What was he doing at the committee-room?—I have seen him write there.

4228. Matters about the election?—I do not know.

4229. Have you seen him writing with a list of voters upon the table, and things of that kind?—I have no doubt there were lists of voters.

4230. Have you heard him give any orders or directions?—No.

4231. How many times were you there?—To the best of my knowledge, about six or eight times.

4232. Were you there on the day of the poll? Yes.

4233. Was Uriah Alsop there then?—Yes.

4234. What was he doing then?—I believe he was sending out to fetch up the voters to poll.

4235. And was actively and busily engaged?—Yes, he appeared to be so.

4236. He worked his best?—I have no doubt he did.

4237. How many days did you take any part in this election; did you leave your duties in the bank, and devote yourself to the election?—No.

4238. Did you do it in the evening?—Yes.

4239. You took naturally an interest in Mr. Miles's success?—Yes, being a Conservative.

4240. Do you know a man of the name of Walton, a scripture reader?—Yes; and he is very much respected in the parish of St. Paul's.

4241. Did you see him before you saw Simmonds?—Yes.

4242. Is Walton here?—I have not seen him.

4243. Did you see Simmonds the day of the polling?—I did.

4244. Where?—I saw him at the St. Paul's committee-room.

4245. In the room or near to it; outside it?—In the passage in the hall.

4246. Was

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4246. Was that the only place you saw him at?—I saw him previously to that at his house.

4247. When was it you saw him at his house?—Previous to seeing him, Simmonds, at the St. Paul's committee-room.

4248. Did you go to Simmonds's house to canvass him?—Yes, with Walton.

4249. That is the day of the poll?—The day of the poll.

4250. Did you tell Walton, or anyone, to bring Simmonds to you into the passage out of the committee-room?—No.

4251. Did you meet him by accident then, according to your account?—I did.

4252. And no message or communication through Walton, before you saw him?—None whatever.

4253. Do I understand you to swear that Simmonds said nothing to you about money?—Yes.

4254. Not one word?—Not one word.

4255. Did he say anything to you as to whether he would vote or not?—He told me he had not made up his mind.

4256. Did you do anything to persuade him?—No.

4257. What did you say to that?—Told him it was almost time.

4258. Did you touch your pocket?—No, not to my knowledge.

4259. You would scarcely have done so without your knowledge?—No, I did not.

4260. Or refer in anyway to money or inducement to cause him to vote?—No.

4261. And I presume you did that to no elector of Bristol?—I swear that.

4262. You neither gave money nor promised it?—Neither gave nor promised.

4263. Nor had any conversation with any voter about money?—I had none.

Re-examined by Mr. *Giffard.*

4264. Do not let there be any misunderstanding for your own sake; you may, of course, have touched your pocket accidentally; but did you touch it in a significant way, implying there was money in it?—No.

[The Witness withdrew.

Mr. Alderman GEORGE ROCKE WOODWARD was called in; and, having been sworn, was Examined by Mr. *Staveley Hill*, as follows:

Mr. Alderman *G. R. Woodward.*

4365. WHAT are you?—I am a vinegar maker in Bristol.

4266. You were chairman, I believe, were you not, of St. Paul's committee?—I was.

4267. In your committee-room, the St. Paul's committee-room, were there any houses taken for the purposes of the election?—I know of two rooms.

4268. Two rooms were taken for the purpose of the election?—Yes.

4269. Do you know where those were taken at all?—In Pritchard-street.

4270. What was paid for those houses?—I do not know.

4271. Can you say whether there were any orders given as to providing any refreshment or any breakfast?—Not to my knowledge; I gave none.

4272. And as far as you know, were there any given by the committee?—Not that I am aware of.

4273. I know that something has been said (I forget what) against you; it was yesterday; have you given any money to any person for their vote, or on account of their vote at the last election?—I have not.

4274. Can you refer me to what was said about you?—I saw the list the day before yesterday, and I saw that I was charged, with a man named Smallcombe, whom I know nothing of, and with Mr. Uriah Alsop, with bribing John Tuplin, and many other persons whose names I do not know.

4275. Have you given any money to John Tuplin?—No, I do not know him; it is decidedly false.

4276. Or promised to give him money?—No, or to any person whatever.

Cross-examined by Mr. *James.*

4277. You were chairman of the committee of which Uriah Alsop was vice chairman?—Yes.

4278. Do you know Smallcombe; did you see him there?—I do not know him.

4279. Now, do not you know the man?—Not the name or the man.

4280. There were a great many people there whose names you did not know?—A great many.

4281. And Alsop may have talked to a person without your seeing him?—When he was there he was talking to a great many people.

4282. Was he active in the election?—He was active.

4283. You say you know nothing about the expenses; who has paid for the fire of the room at 25, Pritchard-street?—I have not; I do not know.

4284. What was the cause of the charges; were they made to you or the central committee?—They were not made to me.

4285. Or to your committee?—I do not know.

4286. Though you were chairman of it?—I have not seen any.

4287. As far as you know, the accounts must have gone to some other committee if sent in at all?—Yes.

4288. Do you know of your own knowledge whether the accounts were sent in to Mr. Hyde?—No.

4289. Do you know who ought to have received the accounts of your committee, for instance?—No.

4290. How was it that after the election was over you made no inquiry as to the accounts?—I did not interfere with the accounts at all.

4291. As chairman of the committee you would know?—As chairman of the committee; I was more honoray chairman than active.

4292. Being honorary chairman, did you cease to go to the committee-room after the the election?—Certainly.

4293. Never went there since?—Never been there since.

4294. Was Mr. Maggs your secretary?—I do not remember.

4295. Being more honorary than active, I presume you did not order anything for the election?—I did not.

4296. So

4296. So that if breakfasts were ordered, you would not be the person to order them?—I certainly would not have ordered them, and did not order them.

4297. But inasmuch as you ordered nothing, I may take it that if breakfasts had been ordered, you would not have been the person to order them?—Certainly not.

4298. Did you see any eating or drinking?—On the day of the election about two o'clock; I went into a small room where there were two or three clerks transcribing, and I saw them eating bread and cheese.

4299. What time were you there?—I was there about half-past nine in the morning for five minutes, and then not till I went to the poll.

4300. When did you come back again?—Half-past two about.

4301. What took place between those times you do not know?—I do not know.

4302. How many rooms were there, two or three?—Only two.

4303. When you went at half past-nine in the morning, did you go into the large room?—No, I only went into the small room where the clerks were transcribing.

4304. I need not ask you, breakfast was not laid out there?—No.

4305. You did not go into the larger room?—No.

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Re-examined by Mr. *Staveley Hill.*

4306. Did you see anything of any tickets for refreshments, or ever hear anything with regard to any tickets such as that (*pointing to a ticket*)?—No, certainly not.

[The Witness withdrew.

Mr. Uriah Alsop was called in; and, having been sworn, was Examined by Mr. *Giffard*, as follows:

4307. What are you by trade?—A wholesale cabinet manufacturer.

4308. Do you know a voter by the name of Dowdell?—I do.

4309. Had you seen Dowdell before the election?—I had.

4310. Had he said anything to you as to how he was going to vote?—He promised me he would vote for Mr. Miles.

4311. Do you know two persons who have been examined here named respectively Cox and Woods?—I do.

4312. Is it true that any conversation took place between you and either Woods or Cox in relation to Dowdell?—It is not.

4313. Is it true that you received back half a sovereign from Woods?—It is not true.

4314. I think it was Woods said that; is it true that you received one from Cox?—I did receive one from Cox.

4315. Just explain how that was?—At 11 o'clock a messenger came over from the polling booth and said they had no refreshments, would I send over some wine and biscuits; I said, you had better see Mr. Garside, ask him if he has any. Cox came into the room, and I asked him to lend me a sovereign; he said he had not a sovereign, but he would let me have all he had. He gave me 10*s.* in gold, half a sovereign, and 2*s.* 6*d.* in silver. Another messenger came over, and said the refreshment was provided, I need not trouble; I put the money in my pocket.

4316. By the money you mean the half sovereign?—The half sovereign and the 2*s.* 6*d.*

4317. Now I ask you upon your solemn oath, had that money which passed between you any relation to any voter, or getting any vote or anything of that sort?—Not any.

4318. Now is it true that you said to Cox that you would rather lose 200*l.* or 500*l.* than that either Cox or Woods should come up to London?—It is not true.

4319. Did anything of that sort pass between you at all?—Not anything.

4320. Now just tell me this; we have understood as to this committee-room where you were, that the committee themselves had two rooms; one we have heard was a small one on the ground floor, and one was a larger one?—Quite so.

4321. On the day of the election was there another room on the first floor used for refreshments?—Upstairs there was.

4322. Now, so far as you know, for whom were those refreshments provided?—For the committee.

4323. Was it a numerous committee?—Yes.

4324. How many?—Eighty.

4325. Now, of course, you cannot say whether somebody who was not a committeeman may have got some refreshment, but so far as you know or authorised, were the refreshments for the committeemen alone?—The committeemen only.

4326. And I suppose their clerks and employés?—Their clerks and messengers.

4327. Is it true that you made any remarks to Cox as to the purpose for which a small middle room was used, as to which he attributes to you your saying that it was a "nobbling room;" is that true?—It is not true.

4328. Did you make any remark of that sort?—Not any.

4329. Perhaps you had better explain yourself for what purpose it was used?—For writing out scrips for voters when they came to inquire for them.

4330. And there were clerks, I suppose, kept in the room?—Yes.

4331. I do not know whether you are sufficiently familiar with the management of an election to know that that is necessary, to keep the clerks uninterrupted by people coming in?—It is quite necessary.

4332. Is it true that two days after the election, you paid a voter named John Postance half a sovereign?—It is not.

4333. I would not confine it in that strict way by saying two days after the election, any time at all did you?—No.

4334. Now do you know a person, who has been called here, named Smallcombe?—I do.

4335. What was he when you first knew him?—A small fishmonger.

4366. Did you see him in the committee-room on the afternoon before the day of election?—I did.

4337. Did you ask him whether he had got a vote?—I did.

4338. What did he say?—Yes, he came all the way from Jersey to vote for Mr. Miles.

Mr. *U. Alsop.*

Mr. *U. Alsop.*

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4339. What did you say?—I said he was a trump.

4340. Was anything more said than that?—Only I asked him to sit down.

4341. Well, what said he?—"I am very tired, and I will be with you in the morning." Soon after he left.

4342. Nor was anything said about voters requiring remuneration or anything of that kind?—Not any.

4343. Did you ever direct Smallcombe to send voters to the "Stag's Head?"—No.

4344. Or to any other public-house?—No.

4345. Did you promise to repay him money which he might have spent, or anything of that sort?—No.

4346. Now I believe it is true that some days after the election he brought you an account; have you got that account now?—No, he did bring me an account.

4347. What became of that account?—I did as he requested, sent it to the chairman.

4348. That was Mr. Woodward?—Yes.

4349. What was in that account?—The first item was "fare from Jersey to Bristol, 15*l.*;" the second item "paid to voters, 39*l.*," and sundries: the whole amount making 57*l.* odd.

4350. Now, is it true that you said there was no money there, that no one would be paid for 14 or 15 days, or anything of that sort?—It is not true.

4351. Do you know a person of the name of Andrews?—I do.

4352. Do you remember Andrews coming to you and saying anything to you about voting for Mr. Miles; just give me exactly what he did say?—He came to me a few days after the election and said that he had lost his work through voting for Mr. Miles. I told him I did not know him, he must get a note of recommendation. He said he had a wife and seven children. I told him I was very sorry for him; if I found it correct what he was saying, I would get a subscription for him. I asked him to get me the note, and he said he would.

4353. Is it true that you told him to bring back the envelope in order that you might know him?—No, I do not remember that.

4354. As I understand when you saw him, it was some days after the election?—Yes, I did not know him not until then.

4355. Is it true that you ever promised him anything if he would vote for Mr. Miles?—It is not true, I never promised him anything.

4356. I think the exact words are that you would give him a handsome reward?—It is not true.

4357. Or anything to that effect?—It is not true, I did not see him until a few days after the election to my knowledge.

4358. I believe after that interview, which you say you did have with him, which was some days after the election, he brought you a letter from some person named Sheet?—He did.

4359. What was that document he brought?—I do not remember what was in the letter, but by its contents, I thought that Mr. Sheet did not know him, and merely recommended him to my consideration.

4360. Did you do anything with the letter or envelope?—I wrote across the same letter, and sent it back to Mr. Sheet, that I would inquire into the case.

4361. What was this letter that you wrote, as far as you can remember?—I cannot give you the exact words, but it was merely to keep him off while I made inquiries into his character; I made inquiries into his character, and found that he was a drunkard. When he cam to me the next time, I told him that I would no have anything at all to do with him.

Cross-examined by Mr. Serjeant *Ballantine.*

4362. Upon the sole ground of drunkenness?—It was.

4363. That is so, is it?—It is.

4364. Finding him a person of that character, you did that, but what should you have done for him otherwise?—I would have given him some money myself, and I would have got a subscription for him.

4365. Did you disburse any monies during this election?—I did not.

4366. Not a farthing?—Not a farthing.

4367. Did you refer to anybody to pay any sums of money?—I did not.

4368. Who were the people who disbursed the money during the election?—Mr. Garside.

4369. What was he?—Secretary.

4370. Secretary of what?—Secretary of the committee-room in St. Paul's.

4371. Is that Garside, of Liverpool?—I do not know.

4372. Or Manchester?—I do not know; I understood that he came from South Lancashire.

4373. At all events, he is a stranger at Bristol?—He is.

4374. He was the paymaster, was he?—He was.

4375. Had he a little room where he sat during the election?—No.

4376. Where did he sit during the election?—In the large room at the back of the house.

4377. Who else was sitting there?—The clerks who were appointed to strike off the voters when they polled.

4378. But he did not disburse the monies there, did he?—No.

4379. Where?—He did not disburse any money during the election, not to my knowledge.

4380. It was afterwards?—Afterwards, two days afterwards.

4381. Do you know where he is now?—I do not.

4382. Not here?—I do not know.

4383. You have not seen him here?—I have not.

4384. Did you receive many accounts?—No.

4385. Did you receive any accounts, except the one you have mentioned?—Yes.

4386. What other accounts?—They were directed to the chairman, and I sent them to him.

4387. I mean, have you personally received any that you opened?—Oh, yes, I have.

4388. Do you mean by the chairman, Alderman Woodward?—Yes.

4389. You mean you sent all the accounts to him?—Not all.

4390. How many accounts did you send to Woodward?—I do not remember how many.

4391. About?—I cannot say.

4392. I will have an answer one way or the other before you leave that chair; about how many?—There might have been half a dozen.

4393. I know there might; is half a dozen the number you fix upon?—Yes.

4394. Not more?—Not more, I think.

4395. Will you swear that there were not more than half a dozen?—I think not.

4396. Will

4396. Will you swear upon your solemn oath, that you did not transmit 20 accounts to Alderman Woodward?—I cannot say; because, when persons came to me with accounts, I sent them to the chairman.

4397. You may then have sent as many as 20 accounts to the chairman?—I do not know.

4398. Will you swear you have not?—I will.

4399. How many will you swear you did send him?—I believe not more than half a dozen.

4400. To what amount?—That I cannot say; I did not open them.

4401. You swear to the best of your belief, that you sent not more than half a dozen accounts to him?—I will.

4402. For the purpose of payment?—For examination.

4403. Were you referred to about them afterwards?—Only one, I believe, was referred to me.

4404. By the by what were you; vice president were not you?—Vice chairman.

4405. Did you canvass actively?—I did.

4406. Did you see Mr. Miles during the election?—I did.

4407. At the committee-room?—No.

4408. At the central committee-room?—No.

4409. Where?—At the Victoria-rooms.

4410. Were you in the habit of seeing him there?—I only saw him there once.

4411. I want just to know about Cox, and your borrowing this half sovereign from him; 12 *s.* 6 *d.* altogether; who were in the room?—I do not remember the names of the persons in the room; there were a great many in the room at the time.

4412. Was the chairman in the room?—No.

4413. Was it done openly?—Yes.

4414. Persons heard and saw it, did they?—Well, I called him to me, and asked him to lend me a sovereign.

4415. How came you to ask Cox?—Because he was the nearest.

4416. Your principle in borrowing money is to ask the person nearest to you?—Not always.

4417. You had not known Cox before?—I had.

4418. Was he a friend of yours?—No.

4419. What had you known of him?—He was traveller for a leather house, in France, he told me at one time.

4420. But you knew very little of him?—Very little.

4421. There were plenty of people in the committee-room, you know a great deal better?—I do not know there were.

4422. Do you mean to swear there were not?—I cannot.

4423. You, the vice chairman of your own committee, and borrow money from Cox, a leather seller, to pay some election expenses; now come, Alsop; now I say Alsop, now why did you borrow of Cox?—I have no reason at all; I cannot assign a reason.

4424. But were you not surprised at a comparative stranger lending the money so readily?—Well, it was no matter of surprise to me; I did not take it into consideration.

4425. You were not the least surprised that he did it in a moment?—Yes.

4426. He was quite quilling?—Yes.

4427. Now, upon your solemn oath, did you borrow that money of Cox?—I did.

4428. Then why did you not borrow of somebody else whom you knew, instead of borrowing of a comparative stranger?—If Cox had told me he had it not I should have asked another.

4429. The person who was next nearest?—I might have done so.

4430. Now tell the Committee why you should borrow of a comparative stranger when your own friends and brother committeemen were around you; answer that?—He was sitting at the table, that is why, I suppose, I pitched upon him more than another; nearest me.

4431. Had he just come in?—Yes.

4432. Then you seized him at once; you booked him at once; did you not think that your own friends would trust you?—The reason that I asked Cox was——

4433. That is just what I want to know. I am going to take it down?—The messnger came and asked me the question which I told you just now.

4434. Repeat it?—That the clerks over at the committee-room wanted some refreshments; they had not had any all the day, and it was between 11 and 12 o'clock. Cox was near, and I said, "Cox, lend me a sovereign."

4435. You knew him by name, then?—I did.

4436. Go on?—He said he had not a sovereign, but he would lend me all he had.

4437. Then you borrow money from Cox for the purpose of paying for refreshments, do you?—For the purpose of sending after some wine and biscuits for the clerks over to the booths.

4438. And borrow the money from a comparative stranger; that is the story that you tell the Committee, is it?—I did not say he was a comparative stranger.

4439. Then what did you know of him before; did you ever borrow money of him before?—No.

4440. Did he of you?—Yes.

4441. How much had he from you before?—He borrowed 30 *s.* of me, at least of my cashier.

4442. When?—About 12 months ago.

4443. Had he paid it back?—He had not paid it back in cash; it was an outset in an account.

4444. Then you remembered that, did you; was that the reason that you borrowed the money of him?—No.

4445. Have you paid it back?—I have.

4446. When?—A week after the election.

4447. Twelve and sixpence?—Yes.

4448. Where?—At my house in Saint James's, Barton.

4449. He came there, did he?—Yes.

4450. To get his bill?—Yes.

4451. To ask for it?—Yes.

4452. Anybody present?—No.

4453. Then he asked for this 12 *s.* 6 *d.* back?—Yes.

4454. And you paid it him?—I did.

4455. That is all the money that you paid him, is it?—All.

4456. Was Cox at your house the night before the election?—He was.

4457. What for?—He called at 9 o'clock and wanted to see me. My boy told him I was not at home, I was round at the committee-room.

4458. Did he come round to you?—He sent the boy round to the committee-room to say that he was at my house, and wished to see me.

4459. Did you go?—I did not. I told the boy I was engaged, and he had better come to the committee.

4460. Did he come?—He did not.

4461. Did you see him?—I did.

4462. That night?—That night.

4463. Where?

Mr. *U. Alsop.*

24 June 1868.

4463. Where?—At my house. He waited for me till I came home.

4464. What did he say to you?—"I was ashamed to go round to the committee-room. I was afraid to go round to the committee-room, because my creditors are after me."

4465. Yes, go on?—"And I was almost ashamed to see you after the letter that I wrote you."

4466. What was the letter that he wrote you?—He wrote to say that he had taken the liberty of putting my name down as a creditor for 20 *l.* to enable him to carry a deed of arrangement with his creditors.

4467. Which was quite untrue?—Which was guite untrue.

4468. I mean to say that he did not owe you 20 *l.*?—He did not.

4469. What else did he say. You know that he did not come to your house for that only. We are getting on?—"And I came from London. I am just come in from London to poll for Mr. Miles." I thanked him for that.

4470. Was that all; go on?—I asked him to have a glaas of wine.

4471. Go on?—That was all the conversation about the election.

4472. Did he take the glass of wine?—Yes, he did.

4473. Nothing further said?—Nothing further.

4474. Not a word about the election?—He came into the dining-room. Then I had a Liberal friend there waiting to see me.

4475. You mean a Liberal freind whom you wanted to convert to a Conservative friend?—I will give you the name of him; he is a very prominent gentleman on the Liberal side; Mr. Coulthard.

4476. Now, stick for the present to Cox; go on about Cox?—When we went inside, I said to Mr. Coulthard, "Here is Cox, come all the way from London, to vote for Mr. Miles." Mr. Coulthart jocosely said, "Oh, well, you are sure to win."

4477. Go on?—That was the conversation about the election.

4478. The next day it was that you borrowed the 12 *s.* 6 *d.*?—It was.

4479. From a man whom you considered, you may call it, to have forged your name to a deed?—I did not say that.

4480. From a man that had borrowed your name, and put it, without any authority, to a deed for a sum of money?—He sent my name, as amongst his list of creditors, to a solicitor in Bristol.

4481. So that you knew him to be a rogue?—I did.

4482. And is that the reason that you borrowed the 12 *s.* 6 *d.* of him?—That is not the reason.

4483. You say that an account was sent in by Smallcombe for his expenses from Jersey to Bristol, and also for payments to voters, and that you sent that on to Woodward?—Yes.

4484. Why did you do that?—At his request.

4485. At whose request?—Smallcombe's.

4486. But for what purpose?—I suppose to get the money.

4487. Then you did, in point of fact, send in this claim from Smallcombe to Woodward for the purpose of Smallcombe being paid?—No; not on my own responsibility I did not.

4488. Then what did you send it in for?—Smallcombe wrote me a note, and asked if I would have the kindness to forward the enclosed to the chairman. I sent it to him.

4489. But I suppose you sent some observation with it?—I did not.

4490. Then you sent it in to him in the same way that you would have sent in other accounts?—All accounts had to be passed by the chairman.

4491. But did you make no inquiry about this "paid to voters"; that is a nasty item, you know; you know it is a frank item; it is not one of the ordinary items; did you make no inquiries?—I did not.

4492. Simply transmitted it to the chairman of your committee with other accounts; is that what you mean to represent?—I did not say that; I sent it alone.

4493. Did you make any comment upon it, or remark upon it of any kind?—Not any.

4494. And left it to be paid or not, as Woodward might think fit?—Yes, quite so.

4495. Did you know at the time that there was no ground for the claim?—I did.

4496. Why did you send it to Woodward?—Because he sent a note with it to ask me to forward it to Alderman Woodward.

4497. If you knew that was a fictitious account, and an account for which there was no claim, why did you do so?—Because it was directed to Woodward.

4498. There was a note to you requesting you to forward it?—But this note was inside another envelope.

4499. But you read it?—I did.

4500. Why did you send a false account to the chairman of your committee, knowing it was false?—Because he wrote me a note to ask me to send it.

4501. Was that the only reason?—That is the only reason.

4502. Do you mean that however false a thing was, you would transmit by merely being asked?—I would.

4503. Without comment?—Without comment.

4504. And take the chance of its being paid?—Yes.

Re-examined by Mr. *Giffard*.

4505. I think my learned friend did not catch what you have said; you laughed at it?—Yes.

4506. And I suppose anything, whether ridiculous or not, you would send to the chairman?—Yes.

[The Witness withdrew.

On Mr. *Giffard* proposing to call Mr. Henry Abbott as an agent,

Mr. Serjeant *Ballantine* objected to his being examined, on the ground that he had been present in the Committee-room during the examination of witnesses.

The *Chairman* stated that it was usual to concede that privilege to agents.

Mr. Serjeant *Ballantine* stated that Mr. Abbott had not been returned as an agent.

The *Chairman* stated that that being so, if Mr. Serjeant Ballantine objected to his being called as a witness, he could not be called.

Mr. CHARLES EDWARD WARD was called in; and, having been sworn, was Examined by Mr. *Giffard*, as follows:

Mr. *C. E. Ward.*

24 June 1868.

4507. I BELIEVE you are a solicitor, practising at Bristol?—I am.

4508. What is the name of your firm?—Osborn, Ward, & Co.

4509. You were, till lately, solicitors to the Great Western Railway Company?—We were.

4510. I believe, in the month of April last, you saw Mr. Miles, and arranged with him to issue a second address?—I did; I am Mr. Miles's solicitor.

4511. You are his private solicitor as well?—I am.

4512. I think, originally, when it was suggested that Mr. Miles was to be a candidate, he came to you and consulted you on what he was to do?—Not originally. I was absent at the time that he was requested to stand, and I did not see him until some time after that.

4513. I take it, generally, you did see him afterwards, and I believe the fact is that he was reluctant to stand in the first instance?—He was.

4514. Then I believe you had several interviews with the under-sheriff, in company with Mr. Abbott, as to the arrangements for taking the poll?—I had.

4515. And you met Mr. Brittan the agent on the other side?—I did.

4516. And at one of these meetings, did you, as agent for Mr. Miles, and Mr. Brittan as agent for Mr. Morley, sign the usual undertakings about the expenses?—We did.

4517. At the second meeting, or rather at the meeting at which the second address was adopted, did you explain to Mr. Miles the necessity of appointing an agent for election expenses?—I did.

4518. And did you arrange that you should be his general agent for the purposes of the election?—I did.

4519. Did you arrange also that you should be with him in his interviews with the different electors he should see?—Yes; I stated I should consider it necessary to go round with him whenever he addressed the electors.

4520. And you were, I think, appointed, in writing on the 23rd of April, Mr. Miles's general agent?—I was, and I gave that appointment to the under-sheriff.

4521. Now, I believe, you observed in some of the advertisements in the newspapers, some of what had been called these parochial committees, formed?—On the same day I did.

4522. I believe you did that in consequence of finding your own name inserted as acting on the committee for the parish of St. John the Baptist where you were?—I did.

4523. And did you immediately interfere, and cause your name to be withdrawn?—I at once wrote to the gentlemen whose name appeared as secretary of that committee to state——

4524. It is immaterial; in consequence of that letter was your name withdrawn?—It was.

4525. Did you either adopt, or know of Mr. Miles adopting, those committees as his parochial committees at all?—Not at all.

4526. I believe on Friday, the 24th of April, you went with Mr. Miles to a meeting of his supporters at the Athenæum?—I did.

4527. Now, so far as you were concerned, did you authorise any bribery or treating, or were you cognisant of any being committed on Mr. Miles's behalf?—Certainly not.

4528. I believe, although disqualified from giving testimony, by reason of his presence here, Mr. Abbott joined with you in making arrangements?—He did, to a certain extent.

4529. I believe that Mr. Abbott was more with Mr. Miles personally than you were, how is that?—No, I think not.

[The Witness withdrew.

Mr. *Giffard* stated that that was the case for the sitting Member, and that he did not propose calling Mr. Miles, owing to his domestic circumstances, but that he was willing to produce him if Mr. Serjeant Ballantine wished to examine him.

Mr. Serjeant *Ballantine* stated that if there were any domestic matter which would make it painful to Mr. Miles to come here, he (Mr. Serjeant Ballantine) did not consider that there was any matter of such paramount importance as would justify him in asking his friend to call him.

Mr. *Giffard* was heard to sum up the case on behalf of the sitting Member.

Mr. Serjeant *Ballantine* was heard in reply on behalf of the Petitioners.

[Adjourned to To-morrow, at 11 o'clock.

BRISTOL ELECTION.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

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ON THE

BRISTOL ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

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Mr. Alsop and witness, when the former said he would rather lose 200*l.* or 500*l.* than that Mr. Woods or witness should appear before the Committee, *Cox* 328–333——Statement by Mr. Alsop as to the small room being a private one or a "nobbing" room, *ib.* 359–368——Admission by witness as to his having promised money to several voters if they would poll for Mr. Miles, *ib.* 410–414——There were several voters with Mr. Woods and witness on the polling day, and to some of these witness saw money given by Woods, *Horder* 672–677. 682–695.

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Inability of witness to state exactly how much he gave to voters, or to mention any names, *Smallcombe* 1070–1095. 1108–1113——Application by witness to Mr. Alsop, on the Friday after the election, at the St. Paul's committee-room, for payment of the money which he had spent during the election, *ib.* 1114–1130——Promise by Mr. Alsop that witness should be paid in fourteen or fifteen days, *ib.* 1122, 1123. 1130–1133——Examination relative to an account sent in by witness to Mr. Alsop for the money spent by him in "electioneering purposes," 1135–1162——Subsequent applications by witness to Mr. Alsop and Mr. Hyde, without receiving payment, *ib.* 1163–1190. 1413 1415.

Communication of Mr. Daniel Parsley with witness prior to the election, in consequence of which witness went to see him at the committee-room at the "Lamb," *Bush* 2230–2236——Statement by Parsley that money was no object so long as Mr. Miles was returned, *ib.* 2237, 2238——Direction from Parsley that witness was to bribe as many Liberal voters as he could at 1*l.* a-piece, and to put their names in a book, *ib.* 2246–2248——Statement as to witness having lost the book in which he had entered the names of the voters bribed through him; he has since made a memorandum of the names, and he now repeats them to the Committee, *ib.* 2249–2264. 2311–2346——Particulars relative to the amount received by witness from Mr. Parsley, and the detailed manner in which disbursed, *ib.* 2265 *et seq.*——Examination upon the question of witness having ascertained before paying the money that the several voters had voted on the Liberal side at the previous election, *ib.* 2346–2382.

Particulars relative to the part taken by witness, at the instigation of Mr. Daniel Parsley, in bribing four voters to poll for Mr. Miles; money received for the purpose as well as for witness's own vote from a person named Walker, *Sale* 2765, *et seq.*

Witness is not aware that he sent Woods after some voters in Sims-alley, nor was a word said by witness, or by Woods to witness, about money being given for votes, *Robertson* 3690–3695——Cross-examination upon the question of witness having sent Woods to canvass some voters in Sims-alley; admission that he sent Woods and some others together, but not that he sent Woods alone, *ib.* 3779, *et seq.*; 3934–3942. 3947–3955.

Witness positively denies having promised or given money to any voter, *Woodward* 4273–4276—— Denial that witness said that he would give 200*l.* or 500*l.* rather than Cox or Woods should give evidence, *Alsop* 4318, 4319——Inaccuracy of a statement made by Cox relative to the use reported by witness to have been made of a small room hired by the St. Paul's committee, *ib.* 4327–4331.——Statement as regards the voter Smallcombe that witness never promised to repay him money to be expended in obtaining votes, nor did he promise that a bill sent in by him should be paid in a short time, *ib.* 4334–4350——Witness did not disburse a farthing during the election, and did not refer to anyone else to pay money away, *ib.* 4365–4367——Doubt as to witness having sent on to the chairman of the committee more than half a dozen accounts, *ib.* 4384–4403——Circumstance of witness having sent Smallcombe's account to Alderman Woodward, chairman of St. Paul's committee, though he knew the account was a false one, *ib.* 4483–4506.

Positive statement by witness that he did not authorise, and was not cognisant of, any bribery, *Ward* 4527.

2. *As to particular Cases of Bribery:*

Mention of several voters who were with a man named Alfred Horder, to each of whom witness gave 10*s.* to vote for Mr. Miles, whilst he promised 1*l.* to Horder, *Woods* 124–150—— Circumstance of witness having handed over 2*l.* to Cox in order to poll some voters, *ib.* 187–193.

Witness

Evidence, 1868—*continued.*

BRIBERY—continued.

2. *As to particular Cases of Bribery*—continued.

Witness voted for Mr. Miles, having been promised 1 *l.* by Mr. Woods if he would do so, but never having received it; doubt as to which candidate he would have voted for but for this promise, *Horder* 578-600——During the polling witness was a good deal with Mr. Woods, but there was no agreement between them about a division of profits, *ib.* 620-627.

Belief that nothing was said by Woods to witness about payments to Horder, nor had witness ever heard of "Horder's gang," *Robertson* 3698-3704——Witness had never heard of "Horder's gang" at Bristol, *Dix* 3981-3985.

Witness relates the circumstances under which, after some communication with Alfred Horder, he received 10*s.* from Mr. W. W. Woods for the loss of a day's work, and then, though a liberal, voted for Mr. Miles, *Davis* 1453, *et seq.*

Detail of the circumstances under which witness received 10*s.* from Mr. Woods for voting for Mr. Miles, *Green* 972-1005.

Witness voted for Mr. Miles at the last election, having always voted on the Conservative side; subsequently received 10*s.* from some one, but denies that it was for his vote, *Headley* 2383-2399.

Details relative to the circumstances under which witness voted for Mr. Miles, a sovereign having first been lodged for him by Mr. Daniel Parsley in the hands of a man named Skilton, *Flower* 2703-2741.

Witness had intended to vote for Mr. Morley, but was induced to vote for Mr. Miles, and subsequently received 5*s.* at one of the Conservative Committee-rooms; believes the money was handed to him by a young woman named Mary Tanner, *Dowling* 2968-3000——Witness denies having paid money to Isaac Dowling or any other voter at the last election, *Tanner* 3001-3005.

Circumstances connected with the offer of a sovereign to witness for his vote by Mr. Britton, a clerk in Mr. Miles's bank, which witness refused to accept; statement by Britton that his party were not giving more than sovereigns, *Simmonds* 3006-3021——Witness denies positively the evidence of the voter Simmonds as to the offer of money by witness; he neither gave nor promised any money during the election, *Britton* 4210-4217. 4240-4246.

Witness was asked by William Pennington, of the "Foresters' Arms," to vote for Mr. Miles, and was promised 10*s.*; subsequently was accompanied to the poll by a man named Briant, from whom he received the money, *Connell* 3305. 3316-3326.

Circumstances under which witness polled for Mr. Miles, and subsequently received 5*s.* from Mr. Rowe as previously promised by Mr. George Bragg, *Jacobson* 3344-3375——Denial of certain statements by Charles Jacobson that witness promised 5*s.* for his vote, and that Mr. Rowe afterwards paid the 5*s.* for witness to Jacobson; cross-examination hereon, *Bragg* 4119, *et seq.*——Witness was secretary to the Castle precincts Committee at the election, and denies all cognizance of any payment to Charles Jacobson in respect of his vote, *Sowder* 4183-4204.

Solicitation of witness for his vote by some supporters of Mr. Miles, one of whom offered him 5*s.*, but he declined the offer and voted for Mr. Morley, *Styles* 3378-3401.

Witness was offered 10*s.* by a man named Stevens if he would vote for Mr. Miles, but he refused the money and voted for Mr. Morley, *Hawkins* 3402-3421.

Witness is a voter for Bristol, and was offered payment for two days' work by a person named Stevens if he would poll for Mr. Miles, or would remain neutral, but he refused and voted for Mr. Morley, *E. Bennett* 3422-3452.

3. *Conclusions of the Committee:*

Resolution of the Committee that Mr. Miles was by his agents guilty of bribery, but such bribery was committed without the knowledge or consent of Mr. Miles, *Rep.* iii——Enumeration of the several voters proved before the Committee to have been bribed to vote for Mr. Miles, *ib.*

See also *Agents. Andrews, Samuel William. Andrews, William. Barry, Mr. Berminster, Mr. Dowdell, John. Fox, John. Garside, Mr. Good, Charles. Mills, William Edward. Postance, John. Sale, James. Weaver, George. Wood, Edward. Wood, Henry Alexander.*

Britton, Henry William. (Analysis of his Evidence.)—Is a clerk in Mr. Miles's bank at Bristol; assisted during the election at the St. Paul's committee, 4205-4208. 4237-4239——Denies positively the evidence of the voter Simmonds as to the offer of money by witness; neither gave nor promised any money during the election, 4210-4217. 4240-4264——Mr. Uriah Alsop was several times at the St. Paul's committee-room, and took an active part on behalf of Mr. Miles, 4218-4236.

Evidence, 1868—*continued.*

Bush, Isaac. (Analysis of his Evidence.)—Was living in Bristol at the time of the election, but was not a voter, 2225–2229——Communication of Mr. Daniel Parsley with witness prior to the election, in consequence of which witness went to see him at the committee-room at the "Lamb," 2230–2236——Statement by Parsley, that money was no object so long as Mr. Miles was returned, 2237, 2238.

Instruction from Parsley as to the employment by witness of ten "roughs," at 5 *s.* a day each, for the nomination day, 2239–2245——Further direction from Parsley that witness was to bribe as many liberal voters as he could at 1 *l.* a piece, and to put their names in a book, 2246–2248——Statement as to witness having lost the book in which he had entered the names of the voters bribed through him; he has since made a memorandum of the names, and he now repeats them to the Committee, 2249–2264. 2311–2346.

Particulars relative to the amount received by witness from Parsley, and the detailed manner in which disbursed, 2265 *et seq.*——Active part taken by Parsley at the committee-room, 2301–2307——Examination upon the question of witness having ascertained before paying the money that the several voters had voted on the liberal side at the previous election, 2346–2382.

C.

Chandler. Offer of 10 *s.* to witness for his vote by a person named Chandler, *Horder* 537–548.

Committees (*Mr. Miles*). Particulars relative to the St. Paul's committee-room, and question as to the persons seen there by witness on the polling day, *Cox* 349–379——Insertion in witness's paper of 24th April of a list of the places where the committees o Mr. Miles sat, together with the names of the committees, *Taylor* 816–818——Witness took an active part at the election in support of Mr. Miles, and went several times to the committee-rooms in Pritchard-street, where he saw Mr. Uriah Alsop and others, *Smallcombe* 1024–1035.

Witness kept the "Pear tree" tavern at Bristol at the time of the election, and let one of his rooms to some supporters of Mr. Miles for a committee-room, *Moss* 3079–3092——Witness is landlord of the "Foresters' Arms" at Bristol, and voted for Mr. Miles, having first let one of his rooms as a committee-room for a sovereign, *Webb* 3515–3524——Witness is wife of the landlord of the house in Pritchard-street where one of Mr. Miles's committees sat; does not know where her husband has been for the last fortnight, *Dredge* 3551–3553. 3561–3599——Witness testifies to the use of No. 54 Queen Square, Bristol, as Mr. Miles's central committee-room, *Wornell* 3602–3607.

Witness, who is a solicitor at Bristol, acted as secretary to the committee of the St. Philips Conservative Registration Association during the election, having been retained by Mr. Fox, the chairman of the committee, *Dix* 3960–3967. 4002–4012——Witness had no communication with Mr. Miles, and expects to be paid for his services by Mr. Fox, *ib.* 3968–3970. 4005–4008——Inaccuracy of a certain advertisement as to witness having been the honorary secretary of the St. Philip's committee, *ib.* 4005–4012. 4074. 4078——The expenses of the St. Philip's committee were sent in to Mr. Fox; whether the latter sent in any account to Mr. Hyde witness cannot say, *ib.* 4026–4030.

Witness, who is an Alderman of Bristol, and was chairman of the St. Philip's Conservative Association, and employed Mr. Dix as secretary, *Fox* 4079–4082——Witness hired some committee-rooms at the "Lamb Inn," and elsewhere in St. Philip's parish, solely on his own authority, *ib.* 4083–4088.

Direction, by witness, for the withdrawal of his name from a certain parochial committee on which it had been placed; these committees were not in any way adopted by Mr. Miles or by witness, *Ward* 4521–4525.

See also *Agents.* *Treating.*

Connell, Jeremiah. (Analysis of his Evidence.)—Is a voter for Bristol, and had some refreshment at the "Foresters' Arms" on the day of the election, for which he did not pay, 3294–3315——Was asked by William Pennington, of the "Foresters' Arms," to vote for Mr. Miles, and was promised 10 *s.*; subsequently was accompanied to the poll by a man named Briant, from whom he received the money, 3305. 3316–3326.

Coombes, Robert. (Analysis of his Evidence.)—Is clerk to the solicitors for the petition; has had charge of the service of Speaker's warrants and notices upon the different witnesses, 3608, 3609——Several attempts by witness to serve Mr. Hyde, of Queen-square, but without being able to find him, 3610–3622. 3654–3656——Failure, also, of witness's endeavours to find out where William Octavius Owen had gone, he having left Bristol, 3623–3630——Inquiry by witness after a person of the name of Good, but without success, 3631–3636——Journey of witness to Bath, in order to procure the attendance of Mr. Barry, whom he was unable to find, 3637–3643.

Evidence, 1868—*continued.*

Coombes, Robert. (Analysis of his Evidence)—*continued.*

Service, by witness's employers, of a warrant upon Mr. Alsop, 3644-3648——Steps also taken to serve Dr. Robertson, and to procure his attendance, 3649-3653. 3660——Alderman Woodward and Daniel Parsley have also been brought up by witness's employers, 3657, 3658.

Corrupt Practices. Resolution that the Committee have no reason to believe that corrupt practices extensively prevailed at the election, regard being had to the number of registered electors, *Rep.* iv.——*See* also *Bribery. Personation. Treating.*

Cox, William Richard. (Analysis of his Evidence.)—Is a voter of Bristol, 283——Communications of Mr. Uriah Alsop with witness at the time of the election relative to the polling of voters for Mr. Miles; reference on one occasion to the question of some voters being open to influence, 284-295. 334-342——Statement as to witness and several other voters having had breakfast on the election morning at the St. Paul's committee-rooms without paying anything, 303-318——Denial by witness that he saw Mr. W. W. Woods give 10 *s.* to the voter Dowdell, though he saw Mr. Woods give a half sovereign to Mr. Alsop after Dowdell had voted, 319-327.

Conversation recently between Mr. Alsop and witness, when the former said he would rather lose 200 *l.* or 500 *l.* than that Mr. Woods or witness should appear before the Committee, 328-333——Circumstance of Alfred Horder having accompanied Mr. Woods and witness to St. James's committee-room to see Dr. Robertson, 342-345. 524——Particulars relative to the St. Paul's committee-room, and question as to the persons seen there by witness on the polling day, 349-379——Receipt by witness of 2 *l.* from Mr. Woods on account of treating expenses, 380-389.

Statement as to witness having seen Mr. Alsop give 10 *s.* to John Postance on the Friday after the election for "a day's work for voting," 390-404——Promise by Mr. Alsop that certain bills of Horder and others should be paid in fourteen days after the election, 405-409——Admission by witness as to his having promised money to several voters if they would poll for Mr. Miles, 410-414——Expenditure by witness of some money in treating, for which he made out a bill for about 5 *l.* to Mr. Alsop, but it has not been paid, 415-435.

Cross-examination as to the circumstances under which witness recently made a certain statement at Bristol, and signed a paper, relative to the facts spoken to in his evidence, 436-448. 483 *et seq.*——Examination relative to the business pursuits of witness, and the nature of his acquaintance with Mr. Woods, 449-482——Explanation that witness made the written statement at Bristol through fear of imprisonment if he withheld information; accuracy of this statement, 483-521.

D.

Danger, Mr. Communication recently between witness and Mr. Danger, when the latter suggested that witness had better keep out of the way, so as not to appear before the Committee, *Smallcombe* 1191-1214. 1419-1421.

Davis, Alfred. (Analysis of his Evidence.)—Relates the circumstances under which, after some communication with Alfred Horder, he received 10 *s.* from Mr. W. W. Woods, for the loss of a day's work, and then, though a Liberal, voted for Mr. Miles, 1453 *et seq.*——Testifies to the treating of himself and several other voters, 1458-1471. 1501-1514.

Dix, John William Stone. (Analysis of his Evidence.)—Solicitor at Bristol; acted as secretary to the committee of the St. Philip's Conservative Registration Association during the election, having been retained by Mr. Fox, the chairman of the committee, 3960-3967. 4002-4012——Had no communication with Mr. Miles, and expects to be paid for his services by Mr. Fox, 3968-3970. 4005-4008——Denies having given any orders for breakfasts at the "Lamb," where the committee sat, 3971-3980——Had never heard of "Horder's gang" at Bristol, 3981-3985.

Circumstances under which witness hired a committee-room at the "Pear Tree" from Mr. Moss; distinct intimation given to Moss that refreshments would not be paid for, 3986-3996——Absence of any sanction by witness's committee to the issue of refreshment tickets, 3997-4001——Inaccuracy of a certain advertisement as to witness having been the honorary secretary of the St. Philip's committee, 4005-4012. 4074. 4078.

Witness had no communication with Mr. Hyde during the election; he has recently seen Hyde in London, but does not know where he is at present, 4013-4025——The expenses of the St. Philip's committee were sent in to Mr. Fox; whether the latter sent in any account to Mr. Hyde witness cannot say, 4026-4030——Information relative to some refreshment tickets shown to witness after the election by Mr. Short, the landlord of the "Lamb;" reason for concluding that these were issued by the Liberal party as a hoax or fraud, 4031-4071——Inaccuracy of a statement by Moss, that he sent in a bill to witness, which was promised to be paid if he kept quiet, 4076, 4077.

Evidence, 1868—*continued.*

Dowdell, John. Statement as to witness having taken a voter of the name of John Dowdell to the poll, and having given him 10 *s.*, received for the purpose from Mr. Alsop, *Woods* 37-58—— Denial by witness that he saw Mr. W. W. Woods give 10 *s.* to the voter Dowdell, though he saw Mr. Woods give half a sovereign to Mr. Alsop after Dowdell had voted, *Cox* 319-327.

Promise by the voter Dowdell to witness, before the election, that he would support Mr. Miles, *Alsop* 4308-4310—— Denial by witness that he had any conversation, either with Woods or Cox, relative to Dowdell's vote, *ib.* 4311, 4312—— Inaccuracy of a statement that Woods gave witness back 10 *s.*, as testified by Cox; circumstances under which witness asked Cox to lend him some money on the polling morning, and borrowed 12 *s.* 6 *d.* from him; this had no relation to any voter, *ib.* 4314-4317—— Cross-examination with further reference to the circumstances under which witness borrowed 12 *s.* 6 *d.* from Cox in the Pritchard-street committee-room; repayment of the money after the election, *ib.* 4411-4482.

Dowling, Isaac. (Analysis of his Evidence.)—Had intended to vote for Mr. Morley, but was induced to vote for Mr. Miles, and subsequently received 5 *s.* at one of the Conservative committee-rooms; believes the money was handed to him by a young woman named Mary Tanner, 2968-3000.

Dredge, Selina. (Analysis of her Evidence.)—Is wife of the landlord of the house in Pritchard-street, where one of Mr. Miles's commitees sat; does not know where her husband has been for the last fortnight, 3551-3553. 3561-3569—— Some breakfasts were served at the house for members of the committee, 3554-3557—— Is not aware whether any bill was sent in for the breakfasts, 3558-3560.

E.

Ellicott, William. (Analysis of his Evidence.)—Receipt by witness of 1 *l.*, through a man named James Sale, for voting for Mr. Miles; return of 10 *s.* to Sale by previous agreement, 2742-2752. 2760-2764.

Ely, Thomas. (Analysis of his Evidence.)—Statement as to witness having had breakfast at the "King David," and drink at two other places, for which he did not pay; other voters also had breakfast at the same time, 3570-3600.

Evans, Edwin. (Analysis of his Evidence.)—Statement as to witness having been promised 6 *s.* by a man of the name of Gathercole, if he would personate a voter and poll for Miles; witness, who is a voter himself, having polled for Mr. Morley, but received the 6 *s.* from Gathercole, who was not aware of this, 1898-1930.

Expenditure. See *Advertisements and Printing. Bribery. Personation. Treating.*

Eyres, Elias. Part taken by a man named Elias Eyres, as well as by Gathercole, with reference to acts of personation, *Rowe* 1679-1685; *Waller* 1795, 1796; *Avy* 1839-1841; 1866-1870; *Evans* 1931-1956; *Sherar* 1965-1983; *Godsell* 1992-2004; 2019-2034; *Groves* 2065-2092.—— *See* also *Personation.*

F.

Fargus, Henry Robert. (Analysis of his Evidence.)—As chairman of the St. Michael's committee, which sat at the "King David Inn," denies that any breakfasts or refreshments were ordered by the committee, and had nothing to do with sending in any accounts, 4099-4108.

Flower, John. (Analysis of his Evidence.)—Statement as to Mr. Mervyn King having on the election day promised certain employment or work to witness; Mr. Frederick Lucas was present at the time, 2678-2694—— Refreshment partaken of by witness and two other men at one of the committee-rooms without being asked to pay, 2695-2702—— Details relative to the circumstances under which witness voted for Mr. Miles, a sovereign having first been lodged for him, by Mr. Daniel Parsley, in the hands of a man named Skilton, 2703-2741.

Ford, James. Particulars in connection with the employment of witness by Mr. James Ford, about a week before the election, to attend meetings of the Liberal party, in order to prevent Mr. Morley being heard; he received 30 *s.* from Mr. Ford for three days, *Bailey* 2881-2892. 2912-2917. 2935-2944—— Applications made by witness to Mr. Ford on the Monday before the election, which resulted in the latter giving him a letter to Mr. Daniel Parsley about employing him; circumstances which led witness to give up this letter to a third person, whilst it was eventually placarded about Bristol, *ib.* 2918-2934. 2949-2960.

Evidence, 1868—*continued.*

Fox, Francis Frederick. (Analysis of his Evidence.)—Is an alderman of Bristol, and was chairman of the committee of the St. Philip's Conservative Association; employed Mr. Dix as secretary, 4079-4082——Hired some committee-rooms at the "Lamb" inn, and elsewhere in St. Philip's parish, solely on his own authority, 4083-4088——No breakfast or refreshments were ordered at any of these committee rooms for voters, 4089-4094——Mr. Miles was only once at the committee-room at the "Lamb," 4095, 4096——Neither Mr. Burminster nor Mr. Ware were members of the committee, 4097, 4098.

Fox, John. Receipt of a small sum from Mr. Woods by a voter of the name of John Fox, *Green* 1010, 1011.

Frodson, Thomas. (Analysis of his Evidence.)—Canvass of witness for his vote by Mr. Alsop and some others, on behalf of Mr. Miles, 3242-3251——Communications of Mr. Charles Good with witness before the election day, the result being that witness polled for Mr. Miles, and afterwards received a sovereign from Good, 3252-3275.

G.

Garside, Mr. Payments made through Mr. Garside, the secretary of St. Paul's Committee; doubt where Mr. Garside now is, he being a stranger to Bristol, *Alsop* 4368-4383.

Gathercole, James. See *Personation. Treating.*

Godsell, Henry. (Analysis of his Evidence.)—Part taken by two men, named Gathercole and Eyres, with reference to the personation by witness of Samuel Ricketts, a voter, 1984-2008—Deception practised by witness in the matter, he not having carried out the personation, though he received 6*s.* from Gathercole, as several others had done, 2013-2021. 2035-2050——Statement by a person named Owen, in the presence of Eyres, that he wanted three more freemen, 2022-2034.

Good, Charles. Communications of Mr. Charles Good with witness before the election day, the result being that witness polled for Mr. Miles, and afterwards received a sovereign from Good, *Frodson* 3252-3275——Witness voted for Mr. Miles, having first been promised by 1*l.* by Charles Good, who subsequently fulfilled his promise by putting a sovereign into his snuff-box, *R. Bennett* 3276-3293——Inquiry by witness after a person named Good, but without being able to secure his attendance before the Committee, *Coombes* 3631-3636.

Green, Thomas Benjamin. (Analysis of his Evidence.)—Detail of the circumstances under which witness received 10*s.* from Mr. Woods for voting for Mr. Miles, 972-1005——Receipt of a similar sum from Mr. Woods by a voter of the name of John Fox, 1010, 1011.

Gregory, Matthew. (Analysis of his Evidence.)—Testifies to having seen Mr. Henry Britton and Mr. Uriah Alsop canvassing together on behalf of Mr. Miles, 3069-3078.

Grogan, Michael Watts. (Analysis of his Evidence.)—Is on the staff of the "Bristol Western Daily Press," 2145-2147——Supplies particulars relative to different orders for the insertion in the paper of the addresses of Mr. Miles to the electors, and of the lists of committees; charge made against the election committee of Mr. Miles in respect of these insertions, 2148 *et seq.*

Groves, Joseph. (Analysis of his Evidence.)—Detail of the circumstances connected with the personation by witness of an elector of the name of Richard More; receipt of 6*s.* for so doing from James Gathercole, 2051-2076. 2089-2093——Entry made by Gathercole in witness's pocket book, being an order for the supply of beer; cross-examination hereon, 2077-2081. 2094-2113.

Guppy, Samuel. (Analysis of his Evidence.)—Canvass of witness by Dr. Robertson and another gentleman on behalf of Mr. Miles, 1527-1534——Supply of beer to a voter by a publican named Horder immediately after Dr. Robertson had been to his shop, 1535-1545——Numerous persons canvassing on both sides, 1547-1554.

H.

Hall, Alfred. (Analysis of his Evidence.)—Was present at a certain Conservative meeting at Bristol on the 27th April, at which Dr. Henry Robertson presided, whilst Mr. Miles was present and addressed the meeting, 1012-1020.

Hawkins, Albert. (Analysis of his Evidence.)—Was offered 10*s.* by a man named Stevens if he would vote for Mr. Miles, but he refused the money, and voted for Mr. Morley, 3402-3421.

Report, 1868—*continued.*

Headley, Frederick. (Analysis of his Evidence.)—Voted for Mr. Miles at the last election, having always voted on the Conservative side; subsequently received 10 *s.* from some one, but denies that it was for his vote, 2383-2399.

Horder, Alfred. (Analysis of his Evidence.)—Is a publican at Bristol, and is a voter for the city, 525–527 —— Canvass of witness for his vote on several occasions by Dr. Robertson on behalf of Mr. Miles; witness refusing to promise, 528–536 —— Subsequent offer of 10 *s.* to witness for his vote by a person named Chandler, 537–548 —— Statement as to Dr. Robertson having on the day of the election ordered witness to supply beer to several voters, and as to a bill for about 2 *l.* 10 *s.* having been sent in to Mr. Alsop, which Dr. Robertson promised should be paid; no payment has yet been made, 549-577. 601–619. 678-681.

Witness voted for Mr. Miles, having been promised 1 *l.* by Mr. Woods if he would do so, but never having received it; doubt as to which candidate he would have voted for, but for this promise, 578-600 —— During the polling, witness was a good deal with Mr. Woods, but there was no agreement between them about a division of profits, 620–637 —— Nothing has been promised or given to witness in respect of his evidence, but he has received 3 *l.* for his expenses; particulars hereon in connection with the statement recently made by him at Bristol to Mr. Adams, 638-671 —— There were several voters with Mr. Woods and witness on the polling day, and to some of these witness saw money given by Woods, 672-677. 682–695.

Horder's Gang. See *Bribery*, 2.

Hyde, Mr. Receipt from Mr. Hyde, who is secretary of the Conservative Registration Society at Bristol, of a corrected list of the committees for insertion in witness's paper, the charge for inserting which will probably be sent in to the general or central committee, *Taylor* 821–832. 882–892. 906–910. 920–931 —— Active part taken by Mr. Hyde on behalf of Mr. Miles, *ib.* 827 —— Statement as to Mr. Hyde having acted as secretary at the central committee-room in Queen-square; witness however never saw him with Mr. Miles in the committee-room, *ib.* 845–857. 865–881. 911–919 —— Doubt as to Mr. Hyde having given witness orders to print anything else besides the advertisement about the committee, *ib.* 858–865 —— Circumstance of witness having recently seen Mr. Hyde at Bristol, *ib.* 895–905.

Several attempts by witness to serve Mr. Hyde of Queen-square with a Speaker's warrant, without being able to find him, *Coombes* 3610-3622. 3654-3656.

Witness knows nothing of Mr. Hyde's movements, or where he now is, *Robertson* 3908-3918 —— Witness had no communication with Mr. Hyde during the election; he has recently seen Hyde in London, but does not know where he is at present, *Dix* 4013-4025.

J.

Jacobson, Charles. (Analysis of his Evidence.)—Canvass of witness by some supporters of Mr. Miles, one of whom told him to go to the "Old Castle" committee-room on the election day, where he had some refreshment free of charge, 3327–3343 —— Circumstances under which witness polled for Mr. Miles, and subsequently received 5 *s.* from Mr. Rowe, as previously promised by Mr. George Bragg, 3344-3375.

K.

King, Mervyn. Statement as to Mr. Mervyn King having on the election day promised certain employment or work to witness; Mr. Frederick Lucas was present at the time, *Flower* 2678–2694.

L.

Latham, John. (Analysis of his Evidence.)—Testifies to having seen Mr. Henry Britton and Mr. Uriah Alsop canvassing together on several occasions for Mr. Miles, 1413–1450.

M.

Maggs, George. (Analysis of his Evidence.)—Is a voter for Bristol, and was employed as a clerk at the St. James's committee of Mr. Miles; was paid 5 *s.* a day for six days, 1551–1581. 1587–1589. 1653–1659 —— Dr. Robertson was chairman of the St. James's committee, and took part in canvassing, 1562. 1582–1586 —— Whilst at the committee-room witness saw no money paid by Mr. Barry, except as wages for work done at the election; cross-examination hereon, 1587 *et seq.* —— Inability of witness to state whether the money was paid away by Mr. Barry on the election day, or the day after, 1635–1661.

Miles,

Evidence, 1868—*continued.*

Miles, John William. Statement that witness, though chairman of the St. James's committee, had no communication whatever with Mr. Miles relative to the conduct of the election, *Robertson* 3664-3668. 3728-3741——Mr. Miles was only once at the committee-room at the "Lamb" Inn, *Fox* 4095, 4096——Only once during the election did witness see Mr. Miles at the Victoria rooms, *Alsop* 4406-4410——Witness, who is the solicitor to Mr. Miles, was consulted by him relative to his coming forward as a candidate, *Ward* 4507-4512——Reluctance of Mr. Miles in the first instance to become a candidate, *ib.* 4513.

Decision not to call Mr. Miles as a witness, owing to domestic circumstances, *Ev.* 89.

Resolution of the committee that Mr. Miles is not duly elected, *Rep.* iii.

Mills, William Edwards. Receipt by witness of 10 *s.* from Mr. W. W. Woods, after which he voted for Mr. Miles, *Mills* 1519–1526.

More, Richard. (Analysis of his Evidence.)—Is a voter for Bristol; was at Exeter at the time of the last Bristol election, and was not aware that anyone had voted in his name, 2120–2125.

Moss, Thomas Richard. (Analysis of his Evidence.)—Kept the "Pear Tree" tavern at Bristol at the time of the election, and let one of his rooms to some supporters of Mr. Miles for a committee-room, 3079–3092——Supplied twenty breakfasts on the order of Mr. Good, which were partaken of by members of the committee and by voters, without the latter paying anything, 3093–3108——Beer was also supplied by witness, by order of Mr. Berminster, to persons having refreshment tickets, 3109–3114.

Payment of witness for the committee-room and for the breakfasts, though he has not been paid his bill for the beer; promise by Mr. Dix that he shall be paid after a time, 3115–3125. 3139, 3140——Receipt by witness of 1 *l.* from Mr. Berminster, after which he voted for Mr. Miles, 3126–3138——Doubt as to the number of members on the committee who partook of the breakfasts, &c. provided by witness, 3141–3151.

N.

Norris, John. (Analysis of his Evidence.)—Witness received 6 *s.* from James Gathercole, who gave it to him under the belief that he had personated a voter named James Chapman; deception practised in the matter by witness, 1931–1964.

O.

Owen, William Octavius. Statement by a person named Owen, in the presence of Eyres, that he wanted three more freemen, *Godsell* 2022-2034——Failure of witness's endeavours to find out where William Octavius Owen had gone, he having left Bristol, *Coombes* 3628-3630——Witness does not know anything about the absence of a person named Owen from Bristol, *Robertson* 3919-3925.

P.

Parsley, Daniel. See *Agents. Bribery.*

PERSONATION:

Detail of the circumstances under which witness, at the inducement of a man named Gathercole, personated another voter, and voted in his name for Miles; he received 6 *s.* for doing so, and also had beer, &c. free of charge, *Rowe* 662 *et seq.*; *Waller* 1775 *et seq*; *Sherar* 1965–1983——Statement as to James Gathercole having tried to induce witness and several fellow-workmen to personate absent voters; refusal by witness and some others to do so, *W. Smith* 1873–1897.

Witness was asked by two men, named Eyres and Gathercole, to personate an absent voter in support of Mr. Miles, and was afterwards paid 6 *s.* by Gathercole, who believed that witness had carried out the personation, though he had not done so, *Avy* 1831–1872; *Norris* 1931–1964; *Godsell* 1984-2021. 2035–2050——Statement as to witness having been promised 6 *s.* by a man of the name of Gathercole if he would personate a voter and poll for Miles; witness, who is a voter himself, eventually polled for Mr. Morley, but received the 6 *s.* from Gathercole, who was not aware of this, *Evans* 1898–1930——Detail of the circumstances connected with the personation by witness of an elector of the name of Richard More; receipt of 6 *s.* for doing so from James Gathercole, *Groves* 2051–2076. 2089–2093.

Witness, who is a voter for Bristol, was at Exeter at the time of the last Bristol election and was not aware that anyone had voted in his name, *More* 2120–2125.

Witness, who is a constable in the Bristol police, testifies to having endeavoured to apprehend, upon warrant, two persons named Eyres and Gathercole, but they are not to be found, *Spencer* 2126–2144.

Evidence, 1868—*continued.*

PERSONATION—continued.

Resolution of the Committee that it was proved that a valuable consideration was offered to several persons to personate voters, and that some of these persons did personate voters, *Rep.* iv.——Conclusion that it was not proved that such offers were made, or such personation committed, with the knowledge or consent of Mr. Miles or of his agents, *ib.*

Postance, John. Denial by witness that he paid half a sovereign to a voter named Postance, *Alsop* 4332, 4333 ——Statement as to witness having seen Mr. Alsop give 10*s.* to John Postance on the Friday after the election for "a day's work for voting," *Cox* 390–404.

R.

Robertson, Dr. Henry. (Analysis of his Evidence.)—Was chairman of the St. James's committee, which had for its object the return of Mr. Miles, 3663. 3728–3736——Was present at a meeting in St. James's Hall, when it was addressed by Mr. Miles; had not previously known Mr. Miles, 3664–3668——Had never seen the witness W. W. Woods, and was not aware, until recently, that a person of that name had been in the St. James's committee-room on the day of the election, 3669–3674——Does not know any person of the name of Richard William Cox, 3670. 3717–3721——Was not aware of any money having been given to Woods by Barry, nor of any illegal payments between them with reference to votes, 3675, 3676. 3696, 3697.

Denial by witness that he ever gave Alfred Horder an order to supply a large quantity of beer, 3677–3686——Notice posted up at the St. James's committee-room that nothing should be paid for which had not been authorised under the signature of the chairman of the committee, 3682. 3687–3689——Witness is not aware that he sent Woods after some voters in Sims' Alley, nor was a word said by witness, or by Woods to witness, about money being given for votes, 3690–3695.

Belief that nothing was said by Woods to witness about payments to Horder, nor had witness ever heard of "Horder's gang," 3698–3704——Explanation as to witness having given 5*s.* at Horder's house for drink, in order to get away from a mob which hustled him, 3705–3716——Canvass of Horder by witness; subsequent refusal, point-blank, to give him an order for the supply of beer, 3722–3727.

Statement that witness, though chairman of the St. James's committee, had no communication whatever with Mr. Miles relative to the conduct of the election, 3728–3741——Denial that witness knew anything of Barry, or had anything to do with his being employed at the St. James's committee-room; nor does witness know where Barry is, save that he lives at Bath, 3742–3771. 3926–3929——Active part taken by Mr. Alsop at the election; belief that he was never at the St. James's committee, 3772–3778.

Cross-examination upon the question of witness having sent Woods to canvass some voters in Sims' Alley; admission that he sent Woods and some others together, but not that he sent Woods alone, 3779 *et seq.*; 3934–3942. 3947–3955——Conversation in the committee-room between Woods and Barry; further denial that witness was cognisant of any illegal payments by Barry, 3825–3837. 3884–3907.

Witness knows nothing of Mr. Hyde's movements, or where he now is, 3908–3918——Nor does witness know anything about the absence of a person named Owen from Bristol, 3919–3925——Witness repeats that until very recently he did not know Woods by name, 3930–3933. 3956–3959.

Robertson, Dr. Introduction of witness to Dr. Robertson at the St. James's committee-room by Mr. Cox, when Dr. Robertson directed him to call on two voters named Wood and Weaver, *Woods* 59–81——Circumstance of Alfred Horder having accompanied Mr. Woods and witness to St. James's committee-room to see Dr. Robertson, *Cox* 342–345. 524.

Canvass of witness for his vote on several occasions by Dr. Robertson on behalf of Mr. Miles, witness refusing to promise, *Horder* 528–536——Witness was present at a certain Conservative meeting at Bristol, on 27th April, at which Dr. Henry Robertson presided, whilst Mr. Miles was present and addressed the meeting, *Hall* 1012–1020——Canvass by witness by Dr. Robertson and another gentleman on behalf of Mr. Miles, *Guppy* 1527–1534——Dr. Robertson was chairman of the St. James's committee, and took part in canvassing. *Maggs* 1562. 1582–1586.

See also *Agents. Bribery. Treating.*

"Roughs." Instruction from Daniel Parsley as to the employment by witness of "ten roughs," at 5*s.* a day each, for the nomination day, *Bush* 2239–2245.

Rowe, Thomas. (Analysis of his Evidence.)—Detail of the circumstances under which witness, at the inducement of a man named Gathercole, personated one Richard Pearce, and voted in his name for Miles; he received 6*s.* for doing so, and had as much beer as he could drink, 1662 *et seq.*

Evidence, 1868—*continued.*

S.

Sale, James. Particulars relative to the part taken by witness, at the instigation of Mr. Daniel Parsley, in bribing four voters to poll for Mr. Miles; money received for the purpose, as well as for witness's own vote, from a person named Walker, *Sale* 2765 *et seq.*

Receipt by witness of 1 *l.* through a man named James Sale for voting for Mr. Miles; return of 10 *s.* to Sale by previous agreement, *Ellicott* 2742–2752. 2760–2764——Receipt by witness of 1 *l.* from James Sale for voting for Mr. Miles, *J. Smith* 2866–2880.

Sherar, Thomas. (Analysis of his Evidence.)—Personation by witness of an absent elector, for which he received 6 *s.* from James Gathercole, in the presence of a man named Eyres, 1965–1983.

Simmonds, John. (Analysis of his Evidence.)—Circumstances connected with the offer of a sovereign to witness for his vote by Mr. Britton, a clerk in Mr. Miles's bank, which witness refused to accept; statement by Britton that his party were not giving more than sovereigns, 3006–3021.

Smallcombe, William. (Analysis of his Evidence.)—Is a butcher and publican at Bristol, and a voter for the city, 1022, 1023——Took an active part at the election in support of Mr. Miles, and went several times to the committee room in Pritchard-street, where he saw Mr. Uriah Alsop and others, 1024–1035——Was asked by Mr. Alsop to use all the interest he could to get some voters for Mr. Miles, 1036–1046——On the evening before the polling was spoken to by Mr. Alsop about paying the voters, as they could not afford to lose their time, 1047–1061.

Circumstance of witness having sent some voters to have beer by direction chiefly of Mr. Alsop, 1062–1067——Promise of Mr. Alsop that witness should be repaid what he spent, whereas he has not been paid back anything, 1068, 1069——Inability of witness to state exactly how much he gave to voters or to mention any names, 1070–1095. 1108–1113——Promise by witness to John Taplin, a voter, that he should have 2 *l.* for the use of his horse and cart to take voters to the poll, 1096–1107.

Application by witness to Mr. Alsop, on the Friday after the election, at the St. Paul's committee room, for payment of the money which he had spent during the election, 1114–1130——Promise by Mr. Alsop that witness should be paid in fourteen or fifteen days, 1122, 1123. 1130–1133——Examination relative to an account sent in by witness to Mr. Alsop for the money spent by him in "electioneering purposes," 1135–1162——Subsequent applications by witness to Mr. Alsop and Mr. Hyde, without receiving payment, 1163–1190. 1413–1415.

Communication recently between witness and Mr. Danger, when the latter suggested that witness had better keep out of the way, so as not to appear as a witness, 1191–1214. 1419–1421——Statement as to witness having seen Mark Butt, a publican, at the St. Paul's committee room when Mr. Alsop was also there, 1218–1230——Alderman Woodward appeared to be the chairman of the committee, 1231–1236——Supply of beer to witness and various other electors on the polling day without their being called upon to pay for it, 1239–1260.

Cross-examination relative to the circumstances connected with the appearance of witness in support of the petition; denial that he made any revelations to the solicitors for the petition, or that he has turned traitor to the Conservative cause, 1261–1325. 1401–1403. 1426–1430——Total of 39*l.* 10*s.* claimed by witness as having been spent by him in electioneering purposes; cross-examination hereon as to the sum of money in his possession at the time of the election, 1326, *et seq.*

Absence of witness from Bristol for a few days before the election; return thither on the business of the election, 1347–1355. 1380–1400——Explanation as to witness having first stated at Bristol, by mistake, that it was Mr. Canning with whom he had some communication at the committee room; he did not then know Mr. Canning from Mr. Hyde, 1356–1371. 1422–1425.

Smith, Charles. (Analysis of his Evidence.)—Testifies to having seen Mr. Woods give 10 *s.* to George Weaver in order to induce him to vote for Mr. Miles, and also to the money having been returned by Weaver, who said he was not to be bought for half-a-sovereign, 754–807.

Smith, Joseph. (Analysis of his Evidence.)—Receipt by witness of 1 *l.* from James Sale for voting for Mr. Miles, 2866–2880.

Smith, William. (Analysis of his Evidence.)—Statement as to James Gathercole having tried to induce witness and several fellow-workmen to personate absent voters; refusal by witness and some others to do so, 1873–1897.

Sowder, William May. (Analysis of his Evidence.)—Was secretary to the Castle Precincts Committee at the election, and denies all cognisance of any payment to Charles Jacobson in respect of his vote, 4183–4204.

Evidence, 1868—*continued.*

Speaker's Warrants. Witness, as clerk to the solicitors for the petition, has had charge of the service of Speaker's warrants and notices upon the different witnesses, *Coombes* 3608, 3609——He supplies particulars of his failure to find several witnesses at whose houses he called, *ib.* 3610, *et seq.*——Service by witness's employers of a warrant upon Mr. Alsop, *ib.* 3644–3648——Steps also taken to serve Dr. Robertson, and to procure his attendance, *ib.* 3649–3653. 3660——Alderman Woodward and Daniel Parsley have also been brought up by witness's employers, *ib.* 3657, 3658.

Spencer, Jacob Thomas. (Analysis of his Evidence.)—Is a constable in the Bristol police, and testifies to having endeavoured to apprehend, upon warrant, two persons named Eyres and Gathercole, but they are not to be found, 2126–2144.

Styles, Aaron. (Analysis of his Evidence.)—Solicitation of witness for his vote by some supporters of Mr. Miles, one of whom offered him 5*s.*, but he declined the offer, and voted for Mr. Morley, 3378–3401.

T.

Tanner, Mary. (Analysis of her Evidence.)—Denies having paid money to Isaac Dowling, or any other voter at the last election, 3001–3005.

Taplin, John. Promise by witness to John Taplin, a voter, that he should have 2*l.* for the use of his horse and cart to take voters to the poll, *Smallcombe* 1096–1107.

Taylor, Thomas David. (Analysis of his Evidence.)—Is one of the editors and proprietors of the "Bristol Times and Mirror," which is a Conservative paper, and supported the candidateship of Mr. Miles, 808–815——Insertion in witness's paper of 24th April of a list of the places where the committees of Mr. Miles sat, together with the names of the committees, 816–818——Circumstance of witness not having brought his books from Bristol, nor certain manuscripts and documents which he had an order to bring; impossibility of producing many of these, as they are not in existence, 819, 820. 830–844——Receipt from Mr. Hyde, who is secretary of the Conservative Registration Society, of a corrected list of the committees, the charge for inserting which will probably be sent in to the general or central committee, 821–832——Active part taken by Mr. Hyde on behalf of Mr. Miles, 827.

[Second Examination.]—Statement as to Mr. Hyde having acted as secretary at the central committee-room in Queen-square; witness, however, never saw him with Mr. Miles in the committee-room, 845–857. 865–881. 911–919——Doubt as to Mr. Hyde having given witness orders to print anything else besides the advertisement about the committees, 858–865——Orders received by witness from Mr. Abbott and Mr. Ward, the agents of Mr. Miles, for the printing of the addresses, placards, &c.; payment since received from the agents, 859–861. 893, 894. 906–908. 920, 921. 931.

Witness further states, as regards the advertisements of the lists of committees, that they will be charged to the general committee of Mr. Miles, but that no account has yet been made out, nor any payment received, except for the addresses and placards, 882–892. 906–910. 920–931——Circumstance of witness having recently seen Mr. Hyde at Bristol, 895–905——Publication in witness's paper of 31st January of certain resolutions agreed to at a meeting of the Conservative Registration Association on 30th January; Mr. Miles had not then come forward, 932–941.

Thomas, George. (Analysis of his Evidence.)—Statement as to witness and other voters having had an abundance to eat and drink at the "Pear Tree" and at the "Three Crowns," on the election day, without paying anything, 3181–3200. 3216–3225——Frequent solicitation of witness's vote for Mr. Miles by Mr. Berminster, who first gave him 10*s.*, and subsequently increased it to 1*l.*, after which witness polled for Mr. Miles, 3201–3215——Circumstances under which witness ascertained that it was Mr. Berminster who gave him the money, as he did not know him at the time, 3229–3241.

Titterton, John. (Analysis of his Evidence.)—Testifies to the supply of breakfasts and refreshments at the "Pear Tree" tavern to members of the committee assembled there on the polling day, and to voters of Mr. Miles, 3152–3180.

TREATING:

1. *Evidence in proof of Acts of Treating on behalf of Mr. Miles.*
2. *Denial on the part of Agents and Supporters of Mr. Miles of any Sanction of the alleged Acts.*
3. *Conclusion of the Committee as to Treating having been proved.*

1. *Evidence in proof of Acts of Treating on behalf of Mr. Miles:*

Several voters seen by witness, at Mr. Miles's committee-rooms in Pritchard-street, having refreshments there for which they did not pay, *Woods* 29–36. 151–155; *Watts* 3041–3056——Expenditure of money in treating at Horder's beershop, a bill of his having been promised by Mr. Alsop to be paid in due course, *Woods* 178–186——Witness saw Dr. Robertson give 5*s.* to Alfred Horder to spend in drink at his beershop, *ib.* 178, 179——Statement

Evidence, 1868—*continued.*

TREATING—continued.

1. *Evidence in proof of Acts of Treating on behalf of Mr. Miles*—continued.

——Statement as to witness and several other voters having had breakfast on the election morning at St. Paul's committee-rooms without paying anything, *Cox* 303–318——Receipt by witness of 2 *l.* from Mr. Woods on account of treating expenses, *ib.* 380–389——Promise by Mr. Alsop that certain bills of Horder and others should be paid in fourteen days after the election, *ib.* 405–409——Expenditure by witness of some money in treating, for which he made out a bill for about 5 *l.* to Mr. Alsop, but it has not been paid, *ib.* 415–435.

Statement as to Dr. Robertson having on the day of the election ordered witness to supply beer to several voters, and as to a bill for about 2 *l.* 10 *s.* having been sent in to Mr. Alsop, which Dr. Robertson promised should be paid; no payment has yet been made, *Horder* 549–577. 601–619. 678–681——Circumstance of witness having sent some voters to have beer by direction chiefly of Mr. Alsop, *Smallcombe* 1062–1067——Supply of beer, &c., to witness, and various other electors, on the polling day without their being called to pay for it, *ib.* 1239–1260; *Davis* 1453–1471. 1501–1504; *S. W. Andrews* 2442–2454; *Flower* 2695–2702——Supply of beer to a voter by a publican named Horder immediately after Dr. Robertson had been to his shop, *Guppy* 1535–1545.

Statement as to witness and others having had beer on several occasions on the election day, which was paid for by a man named Gathercole, *Rowe* 1685–1704. 1723–1734. 1761–1768——Statement as to a man named Gathercole having written down an order for 5 *s.* worth of beer, *Rowe* 1741, 1742. 1769–1774; *Godsell* 2010–2012——Concurrence of evidence as to the supply of beer, &c., without charge being made for it, in connection with the personation of voters, *Waller* 1791–1800; *Avy* 1842, 1843. 1863. 1865; *Evans* 1902–1904. 1907; *Norris* 1940–1943; *Godsell* 1990, 1991; *Groves* 2080, 2081——Entry made by James Gathercole in witness's pocket-book, being an order for the supply of beer; cross-examination hereon, *Groves* 2077–2081. 2094–2113.

Several persons having refreshments in the Pritchard-street committee-room, when Mr. Alsop told witness he should be well paid if he would vote for Mr. Miles, *S. W. Andrews* 2610–2632——Witness supplied twenty breakfasts at the "Pear Tree" inn, which were partaken of by members of the committee and by voters, without the latter paying anything, *Moss* 3093–3108——Beer was also supplied by witness by order of Mr. Berminster to persons having refreshment tickets, *ib.* 3109–3114——Payment of witness for the committee-room and for the breakfasts, though he has not been paid his bill for the beer; promise by Mr. Dix that he shall be paid after a time, *ib.* 3115–3125. 3139, 3140——Doubt as to the number of members on the committee who partook of the breakfasts, &c., provided by witness, *ib.* 3141–3151.

Witness testifies to the supply of breakfasts and refreshments at the "Pear Tree" tavern to members of the committee assembled there on the polling day, and to voters of Mr. Miles, *Titterton* 3152–3180——Statement as to witness and other voters having had an abundance to eat and drink at the "Pear Tree" and at the "Three Crowns" on the election day without paying anything, *Thomas* 3181–3200. 3216–3225——Witness is a voter for Bristol, and had some refreshment at the "Foresters' Arms" on the day of the election for which he did not pay, *Connell* 3294–3315——Canvass of witness by some supporters of Mr. Miles, one of whom told him to go to the "Old Castle" committee-room on the election day, where he had some refreshments free of charge, *Jacobson* 3327–3343.

Witness was a waiter at Mr. Miles's committee-room at Pritchard-street on the day of the election, and testifies to the liberal supply of refreshments for the members of the committee and for voters without payment being asked, *Virgo* 3453 *et seq.*——Witness supplied breakfasts and refreshments at the "Foresters' Arms" on the order of Mr. Thomas Alexander, his bill not having yet been paid; several voters who partook of breakfast, *Wells* 3525–3548——Witness, who is wife of the landlord of the house in Pritchard-street, states that some breakfasts were served for members of the committee, *Dredge* 3554–3557——Is not aware whether any bill was sent in for the breakfasts, *ib.* 3558–3560——Statement as to witness having had breakfast at the "King David," and drink at two other places, for which he did not pay; other voters also had breakfast at the same time, *T. Ely* 3570–3600.

2. *Denial on the part of Agents and Supporters of Mr. Miles of any Sanction of the alleged Acts:*

Witness denies that he ever gave Alfred Horder an order to supply a large quantity of beer, *Robertson* 3677–3686——Notice posted up at the St. James's committee-room that nothing should be paid for which had not been authorised under the signature of the chairman of the committee, *Robertson* 3682. 3687–3689——Explanation as to witness having given 5 *s.* at Horder's house for drink in order to get away from a mob which hustled him, *ib.* 3705–3716——Canvass of Horder by witness; subsequent refusal point-blank to give him an order for the supply of beer, *ib.* 3722–3727.

Witness denies having given any orders for breakfasts at the "Lamb," where one of

Evidence, 1868—*continued.*

TREATING—continued.

2. *Denial on the part of Agents and Supporters of Mr. Miles, &c.*—continued.

the committees sat, *Dix* 3971–3980——Circumstances under which witness hired a committee-room at the "Pear Tree" from Mr. Moss; distinct intimation given to Moss that refreshments would not be paid for, *ib.* 3986–3996——Absence of any sanction by witness's committee to the issue of refreshment tickets, *ib.* 3997-4001——Information relative to some refreshment tickets shown to witness after the election, by Mr. Short, the landlord of the "Lamb"; reason for concluding that these were issued by the Liberal party as a hoax or fraud, *ib.* 4031–4071——Inaccuracy of a statement by Moss that he sent in a bill to witness which was promised to be paid if he kept quiet, *ib.* 4076, 4077.

No breakfasts or refreshments were ordered by witness at any committee-rooms for voters, *Fox* 4089–4094——As chairman of the St. Michael's committee, which sat at the "King David" inn, witness denies that any breakfasts or refreshments were ordered by the committee, and had nothing to do with sending in any accounts, *Fargus* 4099–4108——Witness acted as chairman of the Castle precincts committee, and denies that any breakfasts or refreshments were ordered by the committee for voters, *Bragg* 4109–4118.

Witness gave no orders whatever for the supply of refreshments or breakfasts, and is not aware of any having been supplied to voters at the committee-rooms in Pritchard-street, *Woodward* 4271, 4272. 4295–4306——No bills or accounts came before witness, and he is not aware of any having been sent in to the central committee, *ib.* 4283–4293——Witness never saw nor heard of any refreshment tickets said to have been issued, *ib.* 4306——Numerous committee for whom, and for the clerks and messengers, refreshments were provided at the Pritchard-street rooms, *Alsop* 4320–4326.

Positive statement by witness that he did not authorise, and was not cognisant of, any treating, *Ward* 4527.

3. *Conclusion of the Committee as to Treating having been proved:*

Resolution of the Committee that it was proved that treating prevailed to some extent at the election, but that it was not proved that such treating took place with the knowledge of Mr. Miles, *Rep.* iv.

V.

Virgo, Mark. (Analysis of his Evidence.)—Was a waiter at Mr. Miles's committee-room, in Pritchard-street, on the day of the election, and testifies to the liberal supply of refreshments for the members of the committee and for voters without payment being asked, 3453 *et seq.*——Mr. Uriah Alsop was one of the committee, and took a very active part, 3472. 3479. 3481. 3484.

Void Election. Resolution of the Committee that the last election for the City of Bristol is a void election, *Rep.* iii.

W.

Waller, William. (Analysis of his Evidence.)—Statement as to witness, who is not a voter, having personated a voter of the name of John Lane, and polled in that name for Mr. Miles, 1775 *et seq.*——Payment of 6 *s.* to witness by James Gathercole after the personation of Lane; supply also of beer to witness free of charge, 1785. 1791–1800. 1815–1818.

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Evidence, 1868—*continued.*

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TO THE

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

BRISTOL ELECTION PETITION.

Ordered, by The House of Commons, *to be Printed,*
30 *June* 1868.

372—I.

Under 2 oz.

COVENTRY ELECTION.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

COVENTRY ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1867-8.)

Ordered, by The House of Commons, *to be Printed,*
24 *March* 1868.

Tuesday, 10*th March* 1868.

NAMES of the Members appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the City of Coventry:—

Frederick Snowden Corrance, Esq.	Kirkman Daniel Hodgson, Esq.
Gilbert Greenall, Esq.	William Pollard-Urquhart, Esq.

Sir PHILIP GREY EGERTON, Bart., Chairman.

Wednesday, 11*th March* 1868.

Ordered, THAT the Petition relative to the said Election be referred to the Committee.

Ordered, THAT the Committee do meet To-morrow in one of the Committee Rooms of the House, at Twelve of the clock.

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REPORT.

COVENTRY ELECTION COMMITTEE.

Monday, 16*th March* 1868.

The House informed, that the Committee had determined,—

That Henry Mather Jackson, Esquire, is not duly elected a Citizen to serve in this present Parliament for the City of Coventry.

That the last Election for the said City is a void Election.

The House further informed, that the Committee had agreed to the following Resolutions :—

(1.) That Henry Mather Jackson, Esquire, was, by his Agent, guilty of bribery at the last Election.

(2.) That it was proved to the Committee that Thomas Yardley, John Lee, William Weston, William Oswin, and William Moon, were bribed by Stephen Knapp.

(3.) That it does not appear that these acts of bribery were committed with the knowledge or consent of the said Henry Mather Jackson, Esquire.

(4.) That there is no reason to believe that corrupt practices have extensively prevailed at the last Election for the said City.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 12*th March* 1868.

NAMES of Members called over;—all present.

The Petition of *George Septimus Philips* and *John Ashley*, complaining of an undue election and return, was read.

Room cleared. The Committee deliberated, and came to the following Resolutions:—

1. That Counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission to do so.

2. That if costs be demanded by either party under the 11 & 12 Vict. c. 38, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.

3. That the Committee expect that with respect to cases of bribery, or offers or promises of money, or other valuable consideration, which it is intended to bring home to the Sitting Member or his agents, the Counsel for the Petitioners will now state the names of the Electors bribed, or to whom such offers were so made, and those of the persons who actually gave the bribes, or offered so to do.

4. The Committee, however, reserve to themselves a power, upon the special application of Counsel, to proceed with any case which tends to inculpate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognisant.

5. That with respect to treating, the Committee will expect Counsel to state the times and places where such treating is alleged to have taken place.

6. That with respect to undue influence, the Committee will require to be furnished with a list of the persons who are alleged to have been subjected to such undue influence, and also with a list of those who are alleged to have exercised it.

7. The Committee, however, reserve to themselves a discretionary power as in cases of bribery.

8. That no person shall be examined as a witness who shall have been in the room during any part of the proceedings, with the exception of the agents, whose names shall be handed in, without special leave of the Committee.

9. That the Committee will only allow one Counsel to address them on opening the case, and one Counsel on summing up.

10. That if any point of law should arise requiring argument, the Committee reserve to themselves the power of hearing only one Counsel on each side.

11. That if the leading Counsel are not prepared to sum up the case on either side when the evidence is terminated, the Committee will not protract the proceedings for the convenience of Counsel who may be absent.

12. Inasmuch as the law applicable to the evidence necessary to establish a charge of treating differs from that applicable to bribery, the Committee are of opinion that that part of the petition which relates to treating shall be proceeded with previous to any evidence being adduced with regard to bribery. They, therefore, request that Counsel will confine themselves, in the first instance, to the charge of treating.

Parties called in, and informed of the above Resolutions.

Counsel for the Petitioners:—Mr. *W. H. Cooke*, Q. C., and Mr. *Campbell Sleigh.*

Agents:—Messrs. *Baxter, Rose & Norton*, Mr. *Dewes*, and Mr. *Thomas Hayes Dewes.*

Counsel for the Sitting Member:—Serjeant *Ballantine*, Mr. *Henry James*, and Hon. *Chandos Leigh.*

Agents:—Mr. *Thomas Hoskyns* and Mr. *T. H. Kirby.*

Mr. *W. H. Cooke* was heard to open the case in support of the Petition.

The Short-hand writer was sworn by the Chairman.

J. R. Naylor, sworn; produced writ and return, and handed in 21 poll-books of the last election.

William Weston, sworn; examined by Mr. *Cooke*; cross-examined by Mr. *James*; re-examined by Mr. *Cooke.*

Thomas Browett, sworn; examined by Mr. *Sleigh*; cross-examined by Mr. *James*; re-examined by Mr. *Cooke.*

Short-hand writer was sworn by the Chairman.

Charles Lea, sworn; examined by Mr. *Sleigh.*

Thomas Yardley, sworn; examined by Mr. *Cooke*; cross-examined by Mr. *James*; re-examined by Mr. *Cooke.*

William Richardson, sworn; examined by Mr. *Sleigh.*

On the application of Mr. *Sleigh,* the Committee added the name of *Edwin Wright* to the list of persons who gave bribes or offered to do so.

Cross-examined by Mr. *James.*

[Adjourned to To-morrow, at Eleven o'clock.

Friday, 13*th March* 1868.

NAMES of Members called over;—all present.

John Lee, sworn; examined by Mr. *Cooke*; cross-examined by Serjeant *Ballantine*; re-examined by Mr. *Cooke.*

William Oswin, sworn; examined by Mr. *Sleigh*; cross-examined by Serjeant *Ballantine.*

William Moon, sworn; examined by Mr. *Cooke.*

Henry Roe, sworn; examined by Mr. *Cooke*; cross-examined by Serjeant *Ballantine.*

Joseph Pear, sworn; examined by Mr. *Sleigh*; cross-examined by Serjeant *Ballantine*; re-examined by Mr. *Cooke.*

James West, sworn; examined by Mr. *Cooke*; cross-examined by Mr. *James*; re-examined by Mr. *Cooke.*

William Roe, sworn; acted as interpreter.

Thomas Tustin, sworn, and being deaf and dumb, was examined through an interpreter; examined by Mr. *Campbell Sleigh*; cross-examined by Mr. Serjeant *Ballantine*; re-examined by Mr. *Cooke.*

William Shaw, sworn; examined by Mr. *Cooke*; cross-examined by Serjeant *Ballantine*; re-examined by Mr. *Cooke.*

James Waterhouse, sworn, examined by Mr. *Sleigh*; cross-examined by Serjeant *Ballantine*; re-examined by Mr. *Cooke.*

James Suddens, sworn; examined by Mr. *Cooke.*

John Westwick, sworn; examined by Mr. *Sleigh.*

Mr. *Cooke* stated that that was his case.

[Adjourned till To-morrow, at Eleven o'clock.

Saturday, 14*th March* 1868.

NAMES of Members called over;—all present.

Mr. *Cooke* was heard to sum up the evidence on the part of the Petitioners.

Mr. Serjeant *Ballantine* was heard on behalf of the Sitting Member.

Room cleared;—the Committee deliberated.

Resolved:—

(1.) That *Henry Mather Jackson*, Esq., was by his agent guilty of bribery at the last Election.

(2.) That *Henry Mather Jackson*, Esq., is not duly elected a Citizen to serve in this present Parliament for the City of Coventry.

(3.) That the last Election for the said City is a void Election.

(4.) That it was proved to the Committee that *Thomas Yardley*, *John Lee*, *William Weston*, *William Oswin*, and *William Moon*, were bribed by *Stephen Knapp*.

(5.) That it does not appear that these acts of bribery were committed with the knowledge or consent of the said *Henry Mather Jackson*, Esq.

(6.) That there is no reason to believe that corrupt practices have extensively prevailed at the last Election for the said City.

Parties called in, and informed of the decision of the Committee.

Ordered, That the foregoing Resolutions be reported to the House.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

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MINUTES OF EVIDENCE.

Thursday, 12th March 1868.

MEMBERS PRESENT:

Frederick Snowden Corrance, Esq.	Daniel Kirkman Hodgson, Esq.
Gilbert Greenall, Esq.	William Pollard-Urquhart, Esq.

SIR PHILIP GREY EGERTON, IN THE CHAIR.

Mr. JAMES RICHARD NAYLOR was called in; and, having been sworn, was Examined by Mr. *Campbell Sleigh*, as follows:—

Mr. *J. R. Naylor*

12 March 1868.

1. YOU are Deputy Clerk to the Crown?—Yes.

2. Do you produce from the Crown Office the writ and the return in respect of the election for the borough of Coventry in 1867?—I do.

3. And, I believe, the poll books?—Yes (*handing in the same*).

[The Witness withdrew.

Mr. WILLIAM WESTON was called in; and, having been sworn, was Examined by Mr. *Henry Cooke*, as follows:—

Mr. *W. Weston.*

4. WHAT is your Christian name?—William.

5. You are a freeman of Coventry?—Yes.

6. You acquired that right, I believe, by apprenticeship?—Yes.

7. What trade did you carry on?—I was a riband weaver.

8. Did you, either last year or some time ago, go from Coventry and live at Birmingham?—Yes; I did last year.

9. In the early part of the year?—Yes; I went there in the latter end of March.

10. Were you residing in Birmingham in the month of July?—I resided in Great Francis-street.

11. Up to July?—Yes.

12. Did you receive a printed circular from Coventry stating that there was an election to take place?—Yes; I received a circular from both parties.

13. It was a very quick election from the time that you first heard of it, was it not?—It was all in about two or three days.

14. Do you know a man named David Spittals?—Yes; I did know that man.

15. He keeps a public-house in Birmingham, does he not?—Yes.

16. What is the sign of it?—I do not know.

17. Did you, on the Saturday before the election, go to Spittals's?—No.

18. Did you go to the "Shakespeare"?—Yes.

19. What was the first day that you went there?—On the Saturday evening.

20. Before the election?—Yes.

21. Did you find many Coventry people there?—I did not see above 12 or 14; there might be more for what I know, but I cannot say how many exactly.

22. You mean freemen of Coventry living in Birmingham?—Yes.

23. Do you know Stephen Knap?—Yes; I know him perfectly well.

24. Did you know him when he was a printer, living in Coventry?—Yes.

25. He is living now, I am told, in Birmingham?—I believe he was; but whether he does now or not, I do not know; he resided there at that time.

26. At the "Temperance Hotel"?—I understood that he kept that hotel.

27. Was Knap at the "Shakespeare" when you were there?—Yes, he was.

28. Did he say anything about the election?—He told us that we were, after we adjourned on the Saturday, to meet on Monday evening.

29. On Saturday did anything pass at the "Shakespeare" about the Coventry election?—It was all about the Coventry election.

30. Was there something said about your voting?—Not that night.

31. There

Mr. *W. Weston.*

12 March 1868.

31. There was nothing agreed to that night?—No; not on the Saturday evening.

32. You say that you adjourned till Monday evening?—Yes.

33. What time on Monday was it that you went to the "Shakespeare"?—It was 8 o'clock at night.

34. Did you there find freemen of Coventry living in Birmingham there; a party of them?—Yes; there were about from 12 to 14 of us there.

35. Where did you all go to?—We went up into a room upstairs.

36. Were you canvassed for your votes, or what took place?—We were asked whether we intended to vote for Mr. Jackson.

37. By Knap?—Yes.

38. Who was the spokesman; did you speak?—No, I did not speak; there was not much speaking about the matter at all.

39. What was arranged; what happened?—After Monday evening, it was arranged that we should meet on Tuesday morning at 8 o'clock.

40. Was anything agreed as to what was to be done?—It was agreed that we should come up to Coventry to vote.

41. Did you have refreshments on Monday night?—I had about three glasses of ale.

42. Who paid for it?—I do not know.

43. Did you have nothing to eat?—I had nothing to eat that night.

44. Was ale served to the other 12 or 14 men?—I believe it was.

45. Was anything said about a return ticket on Monday night?—No; not till Tuesday morning.

46. Did you go on Tuesday morning to the "Shakespeare"?—Yes.

47. Where did you go then; into the same room?—Yes; the same as we were in overnight.

48. Did you find something besides ale there?—I had nothing but ale and a bit of bread and meat; that was brought in after we were there.

49. Were there as many as 14 there?—Twelve or 14.

50. What was agreed upon then?—It was agreed that we were to go up; we had a return ticket.

51. What was arranged, if anything?—No further than what I have told you.

52. Was Knap there in the morning?—Yes, he was there in the morning, when we had our lunch.

53. Did Knap promise you any money?—He said that we were to receive half a sovereign.

54. For what?—For two days' loss of time.

55. If you did what?

Mr. *Henry James* objected to the question, and submitted that his learned friend, Mr. Cooke, must conduct his case in the regular manner; that the witness could not now be cross-examined; that his learned friend had put words into the witness's mouth, as if they had been uttered, whereas he should ask him what took place, to which no objection could be made.

56. Mr. *Cooke* (to the *Witness*).] You have heard the Counsel for Mr. Jackson say that you should tell us what took place; that is just what I want to know?—I have already told you that.

57. Is that your hand-writing (*handing a paper to the Witness*)?—Yes, that is my handwriting.

58. Now, do tell us what took place?—I can tell you no more than I have told you; we had a bit of bread and beef on Tuesday morning.

59. Tell me this, if you please; did Stephen Knap in Birmingham promise you 10 *s.*?—Yes, after we arrived in Coventry.

60. Did he in Birmingham promise you 10 *s.*; that is my question?—Yes; he said that we should receive 10 *s.* after we gave our votes.

61. Did he promise you refreshments at Coventry?—Not in Birmingham he did not.

62. Where did he do it?—When we came to Coventry, we went to the "Castle Hotel."

63. How did you get to the polling booth in Coventry?—We were taken in cabs.

64. Were there any papers pasted on the cabs?—Not upon the one I was in.

65. Did you see any omnibus there?—Yes, there was one or two there.

66. Were they placarded?—No.

67. You went to the poll, did you?—Yes.

68. For whom did you vote?—I voted for Mr. Jackson.

69. Where did you go to from the poll?—To the "Castle," back again.

70. Did you go there before you polled?—Yes; I stated that we went to the "Castle" previously.

71. When you got to Coventry, you first went to the "Castle"?—Yes.

72. What was the "Castle"?—It was the Castle Hotel and Commercial Inn.

73. Was there any placard up which said what it was?—No, I never saw any.

74. Why did you go there; had it anything to do with Mr. Jackson?—We went there previous to coming up, and then we went to give our votes.

75. Why did you go to the "Castle"?—We were ordered there.

76. By Knap?—Yes.

77. Did he go with you?—Yes.

78. What part of the "Castle" did you go into?—We went into a large room; I cannot say what room it was, but it was a large room.

79. Before you polled?—Yes.

80. Up one flight of stairs?—Yes, it was.

81. In a large room?—Yes, the room was nearly full.

82. How long did you stop there?—About three or four minutes.

83. Did Knap take you to the poll?—No.

84. Who did?—A man named Gardner.

85. Did he come with you from Birmingham?—No, he was a man that was there.

86. Did he take others along with you?—Three of us went.

87. Do you recollect who went with you; I mean those who lived in Birmingham?—Of those that resided in Birmingham there was only one that I knew.

88. What was his name?—His name was Moon.

89. When you had voted, did you go back to the "Castle," to the same inn?—Yes.

90. Was Knap there?—Yes.

91. Did you have refreshments before you voted, at the "Castle"?—No.

92. When you got back to the Castle Inn, did the other two men go back with you who had voted?—Yes.

93. Did you there see Stephen Knap?—Yes.

93. Did you get anything from him?—He gave me half a sovereign.

95. For two day's work, I think, you said?—Yes.

96. Did

96. Did he pay any others at the same time?—Yes, he paid the others that went back with me.

97. Did you see where he got the money from? No, I did not.

98. You did not see where he got it from?—No.

99. What became of you and the men after you got the 10*s.*?—We were taken to the "Red Lion."

100. Who took you?—I do not know the person's name; he was quite a stranger to me.

101. It was some one in that room?—Yes.

102. Did you hear any order given?—No further than they said that we were to go down to the "Red Lion" to get some refreshments.

103. Some of the people in the room said that you were to go down to the "Red Lion" to get some refreshments?—Yes, Stephen Knap told us to go there.

104. As you had had such a poor breakfast at Birmingham what did you find at the "Red Lion"?—We had a bit of cold beef; bread and beef, cold.

105. In a long room or a small room?—A long room.

106. Was it pretty good beef?—Yes, it was pretty well.

107. Did you have other things besides beef?—I did not see anything else besides beef.

108. Did you have any ale?—I had about two or three glasses of ale.

109. Any nectar?—No.

110. Were many other persons there besides you and the two you have named?—Yes, several others were there.

111. Give us a notion of them, was there a good few there?—I saw about a dozen there.

112. Did they come in and go out again?—Yes.

113. Did fresh faces come back again?—I do not know; when I had had a bit to eat, I did not return.

114. Did you see any others there besides those who came with you from Birmingham?—No.

115. How long did you stop at the "Red Lion"?—About a quarter of an hour or 20 minutes.

Cross-examined by Mr. *James.*

116. What are you by business?—A riband weaver.

117. How long have you been away from Coventry?—I had been away about three months then.

118. Had you voted before at elections at Coventry?—Yes.

119. For whom did you vote in 1865, when Mr. Flowers and Mr. Jones stood against Mr. Treherne and Mr. Eaton?—I voted, I think, for Mr. Eaton.

120. Just think; did you not vote then for Mr. Flowers and Mr. Jones?—No, I did not; I believe I voted for Mr. Eaton.

121. For whom did you vote in 1863, when Mr. Peel stood?—I did not vote for Mr. Peel.

122. For whom did you vote?—I think it was Mr. Treherne.

123. Are you sure of it; do you not remember whom you did vote for?—No, I do not.

124. At all events, those were your politics?—I never troubled myself about it after I gave my vote.

125. You cannot say whom you voted for then?—No.

126. When you got the circular, did you get one from the other side too?—Yes.

127. By whom was it signed?—What election do you mean.

128. You have said that you got circulars from both sides?—I received circulars from both parties, but I do not know the names that sent them.

129. Did you see anybody from the other side?—No.

130. You went at once to Mr. Knap, did you?—No.

131. Where did you go to first?—I went to the "Shakespeare," in Lower Temple-street.

132. Had you seen anyone first from the other side at all?—No.

133. Not since the election?—No.

134. Do you know a man named Hammerton?—Yes, but I did not see him there.

135. You did not see him then, have you seen him lately?—Yes, I saw him yesterday.

136. Had you seen him before that, within the last week or fortnight?—Yes, I have seen him most days as I have walked through the town in Coventry.

137. Then you have got back to Coventry?—Yes.

138. Did he speak to you first about giving this evidence?—Yes.

139. Where was that? It was in Frost Chipping.

140. When was it that he spoke to you about coming up?—

Mr. *Cooke* objected to the question because his learned friend assumed that the Witness had been spoken to, and submitted that his learned friend must ask the Witness whether the person named had spoken to him about coming up.

141. Mr. *James* (to the *Witness*).] Did he speak to you at all about coming up?—Mr. Hammerton put the question to me as regards this election being tried.

142. What was it that he said to you?—He asked me whether I would come up as a witness.

143. When was it that he asked you that first?—About six or seven weeks since.

144. Did he tell you that he wanted you to come up?—No.

145. Did he tell you why he asked you whether you would come up?—He told me that if I would come, I was to go to Mr. Dewes's office.

146. That is the gentleman who is the agent for this petition; where is Mr. Dewes' office?—In Hay-lane, Coventry.

147. How far is it from the railway station?—About a quarter of a mile, I think.

148. Did you go to that place?—Yes.

149. Did you see Mr. Dewes?—Yes.

150. Have you seen Hammerton since?—Yes.

151. About coming up for the election?—Yes.

152. How many times have you seen him?—Three times.

153. What did Hammerton see you about afterwards when you had seen Mr. Dewes?—He did not say anything any further than he said it was expected I should be wanted to come.

154. When did he tell you that?—About five weeks since.

Mr. *W. Weston.*

12 March 1863.

155. When did you see him again the third time?—After a week afterwards.

156. What did he tell you then?—He said that Mr. Dewes wanted to see me, and I went to Mr. Dewes again.

157. Have you had any money from anyone?—I have had money, what was given me by Stephen Knap.

158. Since then what money have you had to come up here with?—I have had no money at all.

159. On your oath, not one single farthing has been given to you?—No.

160. Have you had two pounds?—No.

161. Have you stated so?—No.

162. To a woman?—No.

163. Have you paid your own railway fare up?—No.

164. Who did?—I do not know.

165. Have you had a promise of any money for coming up?—No, not at present.

166. What do you mean by that, "not at present"?—I do not know whether I shall have anything or not. I expected that I should be promised.

167. You expected that you should be promised something to come up; what made you expect that you should be promised something to come up?—To find me lodgings and such things as that.

168. What made you expect that you would have a promise of some money to come up?—I cannot expect to come here without some remuneration.

169. Why should you have money?—I had no money.

170. Was anything said to you by way of promise that you should have money for coming up?—No.

171. Did you ask Hammerton whether you should have any money?—No.

172. You expected, you say, to have a promise of it; did you not ask Hammerton whether you should be paid if you came up?—No.

173. Have you seen him here?—No.

174. Did you see him yesterday?—Yes.

175. Where did you see him?—At the "Salutation," in London.

176. Where in London?—At the "Salutation."

177. Where is that?—I am a stranger here; I forget the name of the street that it is in.

178. Whereabout is it; is it near here?—It is in Holborn.

179. How many people are there from Coventry who came up with you where Hammerton is stopping?—I do not know how many there are here.

180. How many are there at the "Salutation"?—About six, I think, or eight.

181. Did Hammerton come up with you?—No; he did not come with me.

182. I understand what you say to be this; that you have had 10 *s.* for two days' loss of time?—Yes.

183. How much do you earn a day?—That depends upon what the work is.

184. About how much can you earn?—About 2 *s.* 6 *d.* or 2 *s.* 8 *d.* a day.

185. Did you say to anyone that you could earn 5 *s.* in a day?—No.

186. In addition to that, what you have had has been some bread and meat in the morning before you started, and some bread and meat at the "Red Lion"?—Yes.

187. That is all you have had?—Yes.

Re-examined by Mr. *Cooke.*

188. You say that Hammerton spoke to you, and asked you whether you would come and give evidence?—Yes.

189. And if so, you were to go to Mr. Dewes?—Yes.

190. Did he take down in writing what you had to say?—Yes.

191. And you signed it?—Yes.

192. Was that true?—Yes.

[The Witness withdrew.

Mr. Thomas Browett was called in; and, having been sworn, was Examined by Mr. *Sleigh*, as follows:—

Mr. *T. Browett.*

193. You are Town Clerk, and were auditor at the election of 1867 at Coventry?—Yes.

194. Do you produce certain documents and amongst others the appointment of Mr. Gulson as the agent of the sitting Member?—I do (*producing the same*).

195. That is the appointment, dated 19th July 1867, signed by Mr. Jackson, and it is directed to you?—Yes (*the same was handed in*).

196. Do you further produce a return?—I have a duplicate of it here.

197. Just hand it in?—(*The same was handed in.*)

198. Do you produce certain vouchers, and if so, I wish you particularly to hand me if you please that which is termed "A general account of the expenses incurred at the said election by Henry Mather Jackson, Esq.,"—signed by Mr. Gulson?—I have it here (*handing the same to the learned counsel*).

199. It is headed, "Coventry Election, 1867," and one of the items is, "Cash paid, expenses of deputation to London on the business of the election, 7 *l.* 2 *s.* 6 *d.*" That is signed, I believe, by Mr. Gulson, the election agent?—Yes.

200. Be good enough to hand that in to the Chairman?—(*The same was handed in*).

201. The other documents were handed in rather out of order, but that which you have in your hand is the abstract from which the printed account was subsequently inserted in the papers?—Yes.

202. By the *Committee.*] Is this a short abstract of the other account?—

Mr. *Cooke.*] Yes, Sir, only leaving out the payment to the deputation.

203. By the *Committee* (to the *Witness*).] The total is the same?—Yes.

204. Mr. *Sleigh.*] You will produce and hand in the various vouchers which you have in respect to payments made during the election, and be good enough to hand me two in particular, one purporting to be signed by Henry Davids, a receipt for 31 *l.* 10 *s.*, as agent, and one purporting to be signed by Oliver Minster for 30 guineas, for his fee as agent?—They are here (*the same were handed to the learned counsel*).

205. Among the vouchers that you will put in, is there one particularly from Mr. Hall, of the "Castle

"Castle Inn," Bradgate, charging 31 *l.* 5 *s.* for refreshments, and 7 *l.* 4 *s.* for sandwiches and certain other things?—

Mr. *James.*] May I be permitted to see the account which has been handed in of Mr. Oliver Minster. (*The same was handed to the learned Counsel*).

206–7. Is this the only one you have got signed by Mr. Oliver Minster?—Yes.

208. Mr. *Sleigh.*] Having reference to the general account in which the committee-room is charged as "40 *l.* 5 *s.* paid for hire of general committee-rooms," will you just look at the voucher of Mr. Hall's for 108 *l.* 9 *s.* 6 *d.*, dated 31st of August?—Yes.

209. Are these items in it: "Refreshments for committee clerks, messengers, &c. prior to and at the election, 31 *l.* 5 *s.*"?—Yes.

210. "Sandwiches and ale for both, 7 *l.* 4 *s.*"?—For both clerks.

211. Is there under that "House for election, 35 *l.*"?—Yes.

212. Now be good enough to look at another voucher of Mr. Hall's, a receipt dated 31st of August, "Committee of —— Jackson, Esq., M.P., 11 *l.* -*s.* 4*d.*," and tell me whether these items are in it: "72 quarts of bitter ale, 2 *l.* 8 *s.*"?—You have got the wrong name; it is the "Craven Arms." I have it now, this is East's account.

213. Do you find an entry there, "72 quarts of bitter ale, 2 *l.* 8 *s.*"?—Yes.

214. And "13 baskets of sandwiches"?—"Packets;" yes.

The *Chairman* inquired whether all these vouchers were to be handed in.

Mr. *Cooke* stated that he proposed to put everything in.

Re-examined by Mr. *Cooke.*

215. I believe the "Castle Inn" was the inn where Mr. Jackson's head quarters were; the chief committee-room?—Yes.

216. The "Craven Arms" was one of the district committee-rooms, I believe?—It is another of the principal inns.

217. One of the inns on which there were placards; one of the Liberal committee-rooms?—Yes, I think so.

218. As to the "Castle," that being the principal committee-room, you were, I suppose, in the room yourself occasionally?—Never; not during the election, or in any other inn.

219. The "Castle" and the "Craven Arms," and several other of the inns in the borough were placarded with "Jackson for ever," and "Committee Room," and all that sort of thing?—Yes, no doubt.

220. And the "Red Lion," in Hertford-street, I think?—I really do not know; it is out of my way; I should not pass it.

221. There were several public-houses placarded, I suppose, as the head quarters of Mr. Jackson?—Yes, certainly.

222. You produce all the vouchers and documents which have been handed in to the mayor in reference to the late election?—Yes, I do. (*The same were handed in.*)

Cross-examined by Mr. *James.*

223. You have produced the accounts and vouchers rendered to you on behalf of the Sitting Member, Mr. Jackson; have you had any accounts and vouchers at all rendered you by Mr. Ferrand's agent?—None.

224. These are the only ones you have had?—Yes.

225. In the manuscript account that has been put in, which is in detail, containing a considerable number of items, there would be some 25 items or more?—Yes, I think so.

226. There are upwards of 30 items carried out?—Yes, I should think so.

227. The abstract that is published, the abstract that is given by you, only contain some eight items; the fact that that is a summary of the detail?—It is a summary.

228. And therefore this item, which my learned friend is so eloquent about, is, together with the 20 or 30 others summarised in the eight, in the abstract that is published?—Yes.

229. Is that the usual practice, to give a summary as well as the detail?—I believe this summary was prepared in my office.

230. By whom?—By a clerk of mine.

231. The summary, that is the one with this item omitted, was prepared by a clerk of yours?—In my office.

232. He is not a supporter of either side?—He is not a voter.

233. You took no active part in the election at all?—No.

234. That being left out was the act of your clerk, and not the act of any supporter of Mr. Jackson?—

235. *Chairman.*] I think it was the mayor who was accused of that.

236. Mr. *Henry James.*] I have now from you that this omission was the act of your clerk and not suggested by the mayor, who was charged with it; the mayor had nothing to do with it?—No.

237. As to Mr. Ferrand's accounts, did you apply to Mr. Dews, Mr. Ferrand's agent——

Mr. *Cooke* stated that there was no prayer asking for the seat on the part of Mr. Ferrand; and submitted that it was not relevant to go into what Mr. Ferrand had done or had not done.

238. Mr. *Henry James.*] One or two questions about Coventry; you are well acquainted with the locality of Coventry?—Yes.

239. I believe there are a great many out parishes which extend over a considerable district of country?—Yes.

240. Can you tell at all the extent of the borough from one side to the other?—We take seven miles; there are two parishes, St. Michael and Holy Trinity, which confer the 10 *l.* franchise.

241. Are there not some country parishes, 34 in number, in which a considerable number of voters reside?—Yes, within the seven miles.

242. It so happens in Coventry that from the habitations of the freemen there are a large number in those country parishes?—Yes.

243. Therefore, as regards messengers going to them, there would be a considerable distance over which they would have to travel?—Yes.

244. Is it necessary, and has it been the practice, to employ messengers for the purpose of the election in previous contests as well as this?—Yes.

245. That is *bonâ fide* necessary for the purposes of the election?—Yes; and always was so.

Mr. *T. Browett.*

12 March 1868.

Re-examined by Mr. *Cooke.*

246. That depends, of course, upon the number that are employed. What are you looking at?—At the register upon which the poll took place.

247. For what object?—The learned counsel asked me whether there was a considerable number of outlying parishes and voters in those parishes.

248. You said that the enfranchising part of Coventry is limited to two parishes?—Yes.

249. Then the law allows freemen or householders within seven miles of Coventry to vote?—Yes, that is the general law.

250. What is the name of your clerk?—Lea.

251. Did he tell you under what item——

Mr. *James* objected to the question.

The *Chairman* suggested that the clerk should be called.

252. Mr. *Cooke.*] When was your attention drawn first to the omission of that item 7 *l.* 2 *s.* 6 *d*?—This is the first time my attention has been called to it, but the summary made in my office is a very fair and explicit summary. The general account delivered to me contains 11 totals; my summary contains eight, and therefore it only condenses three items into one.

253. Into what items is the 7 *l.* paid to the deputation condensed?—£. 6 per register, 7 *l.* 2 *s.* 6 *d.* for expenses of deputation; that is 13 *l.* 2 *s.* 6 *d.*, and another item, making 19 *l.* 4 *s.*

254. What is the other?—Telegrams, postages, and miscellaneous petty expenses.

255. Do you mean to say that paying a deputation and postage stamps are looked upon in Coventry as the same thing?—The deputation would fairly come under the head of miscellaneous expenses. I could not publish these items in the paper *in extenso.* I published, therefore, a summary which merely condenses three items into one, giving eight instead of eleven, the vouchers lying in my office all the time in the centre of the town for any one to inspect."

[The Witness withdrew.

CHARLES LEA, sworn; Examined by Mr. *Sleigh.*

C. Lea.

256. WHERE do you reside now?—At Birmingham.

257. What are you?—A watchmaker.

258. Are you a freeman of Coventry?—Yes.

259. By apprenticeship?—I was apprenticed at Coventry.

260. At the time of the election in July last, you were living then in Birmingham?—Yes.

261. *Chairman.*] I do not see any Charles Lea in the list.

[The Witness was directed to withdraw.

THOMAS YARDLEY, sworn; Examined by Mr. *Cooke.*

T. Yardley.

262. YOU are a freeman of Coventry?—Yes.

263. What trade are you?—A watch-case maker.

264. You, like others, gained your freedom by serving your apprenticeship?—Yes.

265. Did you last year, or about that time, go to live in Birmingham?—Yes.

266. About what period, the spring?—Before Christmas.

267. Were you living there in July, at the time of the last election?—I was not living in Coventry.

268. You were living in Birmingham?—Yes.

269. Did you get circulars from both the parties asking for your vote?—No.

270. Did you get them from either?—Not one.

271. Did you, any day before the election, find yourself at David Spittal's?—No.

272. Were not you there at all?—No.

273. Did you get to the "Shakespeare"?—Yes.

274. When was the first day you got to the "Shakespeare"?—The beginning of the week.

275. Monday?—Yes, I think it was Monday.

276. Morning or evening?—It was night.

277. By the *Committee.*] Nomination Monday?—Yes, that was the time.

278. Mr. *Cooke.*] Did you find a number of Coventry voters there?—Yes; a lot of them assembled there.

279. Were you in the upstairs room, or downstairs?—Upstairs.

280. Did you have anything to eat or drink?—We had a little refreshment; we had a drop of beer.

281. Perhaps ale?—Yes.

282. Who paid for it?—I do not know.

283. Did you see Stephen Knapp there?—Yes.

284. Was anything said to you about your voting?—We were asked about our vote; asked which side we should go.

285. Which side did you say you should go?—For Mr. Jackson.

286. Did Stephen Knapp say anything how you were to get there. Tell us in your own way?—We said that we could not afford to lose our time. He said travelling expenses would be paid, and we should be paid for a day's work.

287. Was the money mentioned?—Not then it was not.

288. Consider; was not any sum of money mentioned there?—I never heard it.

289. Was no sum mentioned to you, what you were to have?—In the morning as we were going to start it was.

290. How did you get there in the morning. Were you told to come in the morning?—Yes, we were all to assemble together.

291. About what number were you, 18 or 20?—I think we were about that number.

292. In the morning did you find breakfast prepared for you?—Yes, we had a little refreshment.

293. Meat and beer?—Yes, a drop of beer; a drop of ale we had.

Mr.

Mr. *James.*] Ask him what he had.

294. Mr. *Cooke.*] This gentleman wants you to tell us what you had?—We had some bread and beef, and a drop of ale.

295. Drops are generally counted by quarts?—We had it in a glass.

296. Filled as often as you liked?—We had about two glasses a-piece.

297. You had as much as you liked?—Yes.

298. Did you pay for it?—No.

299. Did you then go to the railway station?—Yes.

300. Did you get a return ticket?—Yes.

301. Who gave it you?—Stephen Knapp.

302. Did he go with you to Coventry?—Yes.

303. When you got to Coventry, how did you get to the town?—In an omnibus.

304. Was that the "Castle" omnibus?—Yes, I believe it was.

305. Was it with the placard on it, "Vote for Jackson," or something of that sort?—Yes, it was on the 'bus.

306. Did you get down first at the polling booth, or first at the "Castle"?—We got to the "Castle."

307. Did you all go in?—Yes, we all went in.

308. Did you go upstairs into the large room?—Yes.

309. Did you see anybody there you knew?—Yes.

310. Coventry people?—Plenty.

311. Tell us some of them?—Mr. Knapp.

312. Of course, he went with you?—Mr. Rotherham.

313. What is he?—A Coventry man.

314. Do you know Charles Lea?—Yes.

315. Is he one who went with you from Birmingham?—Yes.

316. Was he one who breakfasted with you?—Yes.

Mr. *James* objected to the course of examination, submitting that the name of Charles Lea was not in the list, and that the questions were either irrelevant or pointed at bribery.

Mr. *Cooke* submitted that he had a right to ask the names of those who were present.

The objection was waived.

317. Mr. *Cooke.*] How long were you in the "Castle" before you went to the poll?—Not many minutes.

318. Who took you to the poll?—A man named Wright.

319. What is he?—A watchmaker.

320. Where?—In Birmingham.

321. Was he one of the men who went with you?—Yes.

322. What is his Christian name?—Edward.

323. Before you started from the inn, was something said about 10*s.*?—Before we started from Birmingham.

324. What was it?—We said that we wanted something for our day's work, and Mr. Knapp said that we should have something; he said he expected about 10*s.*; that was all that was said.

325. How many of you went from the "Castle" to the poll?—There was me and another.

326. Who was that?—I could not say now who it was.

327. Having voted, did you come back to the "Castle"?—Yes.

328. Did you go up stairs into the large room?—Yes.

329. Did you there see Stephen Knapp?—Yes.

330. Did he give you any money?—Yes, 10*s.*

331. And the other man with you?—Yes.

332. Did you see where he got the money from?—No; he pulled it out of his pocket, I believe.

333. Do you know Mr. Dresser, the stamp distributor?—No.

334. Do you know Mr. Piers, a justice?—No, I do not.

335. Was there anybody in the large room except Knapp that you knew?—Mr. John Rotherham; that was all.

336. After you had got your 10*s.*, did you go to the "Red Lion"?—Yes.

337. How came you to go there?—We was taken there.

338. They could not pick you up and carry you?—There was a lot of us went together.

339. Who was your leader who took you there, or who told you to go?—Mr. Wright took us there.

340. He led you; had Wright polled with you?—No, he had no vote.

341. How many were in the party with you that went to the "Red Lion"?—I think we were 9 or 10 of us.

342. Did you find refreshment in the room?—Yes, we had a drop of beer and something to eat.

343. Very little I dare say; did you have what you wanted?—We had quite sufficient.

344. Did you see anybody in the room besides the Birmingham people that had come with you to Coventry?—Yes, there were some.

345. People were coming in and out?—Yes; there were people besides the Birmingham voters.

346. Were people of Coventry coming in and out and enjoying their refreshment like you?—Yes.

347. How long were you in the "Red Lion"?—About half an hour.

348. Perhaps an hour?—No.

349. During that time people came in and out, besides your companions from Birmingham that you had had breakfast with?—Yes.

350. And they had refreshment?—Yes.

351. Who served the beer; was it a girl, or a woman, or a man?—I think it was a man.

352. Do you know the landlord?—Yes.

353. Was it the landlord?—No, it was not the landlord who gave the beer out.

354. Do you know his name?—Hayton.

355. Mr. *James.*] Perhaps it was Eaton.

356. Mr. *Cooke.*] Can you tell us where he lives, or what he is?—He keeps the house.

357. I thought you said it was not the landlord?—I said it was not the landlord who served the beer round.

358. Who served the beer round?—That I could not say.

359. You took your refreshment and did not trouble yourself about that?—No.

360. Did you pay anything there?—No.

361. Or did you see anybody pay?—I did not see anybody pay.

362. What

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362. What do work at in Birmingham?—At watch-case making.

363. Which Blue party did you belong to before; the light or the dark Blue?—I was always dark Blue; I voted that way.

364. Did you vote for Mr. Mason Jones?—I was not on the register then.

365. This is the first election that you have voted in; is not it?—No; I have voted before then; I went out of the town.

366. What election did you vote at before?—I voted for Ellis. I was out of the town; that was the reason.

367. You have not voted since?—Only for Jackson.

368. Was Wright at the breakfast in the morning; the man who took you to the poll?—Yes; I do not think that he had anything to eat.

369. He was there, and went with the party to Coventry?—Yes.

370. And took you to the poll, and then took you to the "Red Lion?"—Yes.

371. Acting with Knapp?—I do not know about acting with Knapp; of course he was acting with him.

372. You left Knapp behind at the committee-room, I understand.—Yes.

Mr. *James.*] He has not said anything about a committee-room.

373. Mr. *Cooke.*] Which room were you in at the "Castle Hotel"?—I was only in the large room.

374. Up one pair of stairs?—Up one pair of stairs.

375. Did you find many persons there?—A goodish many.

376. Did you go out of the yard to it?—No, in the front way.

377. What were the persons doing in the room where you were?—Writing.

378. Anything else?—Nothing else that I know.

379. Did you see a man at the opposite end of the table?—I did not notice.

380. You did not notice a man at the table at the other end of the room?—I did not notice.

381. What part of the room was Stephen Knapp in when you came in from voting?—He was standing up against the fire-place.

382. Doing nothing?—He was standing talking to some one in the room.

383. What kind of persons were there; all sorts, or only one sort?—All sorts.

384. Gentle and simple?—Yes.

385. Did you hear Wright, when he brought you back, tell anybody that you had voted?—No, I did not hear him.

386. Did Knapp come from the fire-place to you without anything being said?—Knapp came and asked whether I had voted.

387. Did he ask you or Wright?—He asked me.

388. Did you tell him that you had?—Yes.

389. Then he gave you the 10 *s.*?—A short time after.

390. Did he leave you after that and go to another part of the room?—He turned round and began to talk to some gentleman.

391. Did you see that gentleman give him anything?—No.

392. Having talked to the gentleman, he turned round and paid you the money?—He paid me the money before he turned to this gentleman.

393. You said that having asked you whether he had voted, he turned round and began to talk to some gentleman; after you had said that you had voted, did Knapp put his hand into his pocket and give you the money?—Not just then; he did directly after; he gave me 10 *s.*, and he turned round to talk to some gentleman.

394. Was it in silver or in gold?—It was half a sovereign.

395. Did you see him give it to the other man who voted with you?—Yes; he gave me one, and the other man one as well.

396. I forget whether you told me who it was?—I forget who it was.

397. Do you know Allan Kent?—No, I do not.

398. Do you know William Leeson?—Not by that name?

399. Do you know a man named Leeson?—I do not know that I do.

400. Do you know Henry Smith?—No; I know all of them by sight, but I do not know their names.

401. Do you know William Toney?—Not by name.

402. Do you know William Wesson?—Yes.

403. Was he there?—Yes, he was in the room.

404. Do you know William Richardson?—Yes, I know him.

405. Was he there?—Yes.

406. He came with you from Birmingham?—Yes.

407. Do you know William Osway?—No.

408. Do you know Charles Reeves?—No, I do not know that name.

409. Do you know William Shepherd?—I do not know that name.

410. Do you know William Stephens?—Not by name.

411. Do you know any man by the name of Stephens?—Not by name.

412. Do you know a man named Jim Brown?—No.

413. You seem to have a very hazy recollection of your companions?—I might know the men by sight, but not by name.

414. Do you know a man of the name of William Moon?—Yes.

415. Was he there?—Yes, he was there.

416. There is a man of the name of Iliffe?—I do not know that name.

417. Do you know Jack Penney?—No, I do not.

418. Do you know Thomas Hamerton?—Yes.

419. Was he one of your party?—No.

420. He was not at Birmingham; not with the Birmingham party?—No, I never saw him.

421. Is that your writing (*handing a paper to the Witness*)?—Yes, that is my writing.

422. Before you signed your name, was that paper read over to you?—I forget what that is; I do not recollect seeing the paper before.

423. You do not recollect signing it?—No; it is a good deal like my writing.

424. Did you never sign a paper stating what had happened concerning this election, you and the other men; did you never sign a paper stating what had happened with regard to this money in the room at Coventry; say, yes or no?—I forget, I am sure, whether I signed a paper or not.

425. Did you ever give anybody an account of what had happened?—No.

426. And

426. And then sign it?—No, not that I know of.

427. Do you mean to represent that you have forgotten whether you did or not?—If I did sign it, I really forget.

428. Look at it and tell me whether that is your writing or not; is not that your writing; were not you and those other men all together when you signed that in their presence?—That is my writing.

429. Was not Charles Lea present when you signed it?—I am sure I could not say.

430. Where did you sign it; was it at Birmingham or Coventry?—I cannot say where I signed it.

431. Do you tell the Committee that you do not know where you signed this paper in the presence of those men; was Allan Kent present; did not you see him make his mark?—No, I did not.

432. Was not William Leeson there, the man who you say you do not know?—I cannot say.

433. Were not all those whose names are there, present when you signed that paper?—(*No answer*).

434. Have you seen Stephen Knapp lately?—Yes.

435. When did you see him last?—Yesterday.

436. Did you tell him that you had a summons to come to London to give evidence?—Yes.

437. Did he speak to you on the subject, not to harm him?—No.

438. What did he say to you, when you told him you were coming up as a witness?—He says, "You will have to go and speak the truth."

439. You signed that paper?—Yes.

440. Did you see Stephen Knapp, when you were in the "Castle," at Coventry, go to a gentleman who sat at a table at the top of the room?—No, not to notice him.

441. Did you see him give him some gold coin?—No.

442. Did not you sign your name to that paper, in which you say you did (*handing the paper to the Witness*); sit down and read it?—(*The Witness looked it over.*)

443. Where were you and the other men when you signed your name; at what place?—I do not recollect signing this paper.

444. Do you mean to represent that you never saw that paper before?—I never recollect signing it.

445. Do you recollect being with the men whose names are there, at any place; do you know Thomas Hamerton?——

446. *Chairman.*] Is there any date on that paper?

447. Mr. *Cook.*] December the 2nd. (To the *Witness.*) Do you know Thomas Hamerton?—Yes.

448. Did Thomas Hamerton see you in Birmingham, in December?—No.

449. Did he at any time?—He did, when he brought me these papers.

450. That paper?—No, these papers in my pocket, to summon me here.

451. You never saw Hamerton at the time you signed your name?—No, I never saw Hamerton; Hamerton did not bring this to me; now I come to look at it, it is not my handwriting; now I look at it, it is a different hand altogether.

452. Were you ever with those men whose names are there together?——

453. By the *Committee.*] Is not "Thomas Yardley" your writing?—No.

454. You just now acknowledged it to be your writing?—Yes; but when I come to look at it, I see it is not my handwriting.

455. Mr. *Cook.*] Do you say you never signed any paper?—I never signed any paper at all with Hamerton.

456. Nor in the presence of any of the men whose names are there?—No.

457. How came you to say it was your writing?—Because it is like mine; but when I come to look at it, it is not my writing at all.

458. Were you ever with Charles Lee at any place?—Yes; I have been with him several times.

459. Did you ever sign a paper when Lee was by?—Not as I know of.

Mr. *Cook* stated that he now proposed to ask some questions of the witness as a hostile witness.

Mr. *James* submitted that the witness had shewn no hostility.

The *Chairman* stated that the Committee were of opinion that though the witness had shewn some reluctance in giving his evidence, it scarcely amounted to hostility.

Cross-examined by Mr. *James.*

460. You tell us you voted for Mr. Ellis when you voted before?—Yes.

461. You voted for Mr. Jackson; you said on the Monday night, that you intended to vote for Mr. Jackson; your opinions are liberal?—Yes.

462. Nothing was said on the Monday night about money?—Not as I know of; I never heard anything said.

463. As far as you know, nothing was said on the Monday night at all about money?—No.

464. And you stated on the Monday night that you should vote for Mr. Jackson?—Yes.

465. And that was your intention?—Yes.

466. How much a week do you earn as a watchmaker?—Twenty-five shillings a week; sometimes I earn more than at others.

467. You told Knapp that you wanted one day's wages?—Yes.

468. Did you tell Knapp how much you earned?—No.

469. You did not tell Knapp how much you earned or could earn in a day?—No.

470. You went over to Coventry with Wright?—Yes.

471. Wright is not a Coventry man at all, but a Birmingham man?—He lives in Birmingham.

472. He came to Coventry?—Yes.

473. Wright is not a Coventry voter, as far as you know?—No.

474. Knapp lives in Birmingham?—Yes.

475. Both Wright and Knapp live in Birmingham?—Yes.

476. When you went over to the "Castle," the only person, you say, you knew in the room was a person of the name of Rotherham?—Yes.

477. He was the only person whose name you can give?—Yes, besides Knapp.

Chairman.] I think he said he knew Moon.

478. Mr. *James.*] Did Moon come into the room at the "Castle," or did he only come over with you

T. Yardley.
12 March 1868.

you from Birmingham?—I do not know whether he came into the room or not; Moon was there.

479. Do you recollect whether Moon was in the room with you?—I do not recollect that.

480. Were there a great many people about the "Castle" Inn?—Yes.

481. Was the bar full of people?—I did not go into the bar.

482. Did you see persons coming in and going out of the different rooms of the house?—Yes.

483. Who they were I suppose you do not know?—No; I did not take notice.

484. There was nobody to prevent people coming in and going out of the "Castle"?—No; anybody could go in and out.

485. Whether they came from Birmingham or Coventry, they could go in and out of the "Castle"?—Certainly.

486. When you went to the "Red Lion," Wright, who was not a voter, was the person who went with you?—Yes.

487. Do you know any Coventry person at all, except the landlord of the inn, who was present when the beef was had at the "Red Lion"?—Yes; there were several that came from Birmingham.

488. You do not know the names of any people living at Coventry who were at the "Red Lion"?—No.

489. My learned friend put to you that Thomas Hamerton brought that paper to you; did Thomas Hamerton come to you?—No; I never saw Hamerton till the day he brought these papers to me to attend here.

490. Did he give you any notice to come to London?—Him and another youngish man.

491. Do you know who the youngish man was?—No.

492. Did they come to you at Birmingham?—Yes.

493. What did Hamerton say to you?—Nothing.

494. Did he say you were to come here?—Yes, he said that.

495. Did he say how you were to be paid?—He said it would be all right.

496. Who was to make it all right?—I suppose the party who brought me up.

497. Did he say who that was?—No.

498. Did you ask?—No.

499. Did you have any money?—Yes; 15*s.*

500. Who gave you that?—The young man who came with Hamerton.

501. He gave you 15*s.*?—Yes.

502. When?—Tuesday, I think it was.

503. This last week?—Yes.

504. Did they give you a railway ticket as well?—They paid the railway fare.

505. They gave you 15*s.*?—Yes.

506. Did you ask for any more?—No.

507. Did you say that was enough?—No.

508. Did they hold out to you the promise of anything more?—He said we should be well paid.

509. Who said it?—Hamerton.

510. When did Hamerton tell you that you should be well paid?—When I had the 15*s.*

511. Hamerton was present when you had the 15*s.*?—Yes.

512. That was the second time he came with the young man?—The second paper he brought.

513. Have you seen the young man here at all?—Yes, in the passage.

514. Do you know what his name is?—No.

515. Can you tell us who he is?—I do not know him; he is a shortish man.

516. Is Thomas Hamerton here too?—I have not seem him.

517. You have seen this short young man who came with Hamerton?—Yes.

518. Hamerton told you you should be well paid; well paid for what?—My trouble in coming up here, and for the loss of my time.

519. Did he say also and for giving evidence?—No.

520. You do not consider the 15*s.* being well paid for the loss of your time and your trouble?—I shall be above that out of pocket.

521. You expect some more?—Of course I expect some more.

522. My learned friend, Mr. Cook, asked you whether you did not give that paper to Hamerton; is there a word of truth in the suggestion that Hamerton ever got you to sign any paper?—No; I never signed any.

523. Were you taken anywhere to sign any paper?—No; I never signed that paper at all.

524. You are put at the top, "signed, Thomas Yardley"; do you say that that was never signed by you?—That is not my handwriting.

Mr. *James.*] I ask, under those circumstances, that that paper shall be impounded.

Mr. *Cook.*] By all means let it be handed in and read.

Re-examined by Mr. *Cook.*

525. Where did you see Moon on the polling day?—At the "Shakespeare."

526. Did he come down to the railway with you?—I am most sure he did; I think he did.

527. Did he go to the poll with you?—We all went together.

528. Do you remember if you saw him in the committee-room or not?—No; I do not remember seeing him there.

529. Did you see him afterwards at the "Red Lion"?—Yes.

[The Witness withdrew.

WILLIAM RICHARDSON, sworn; Examined by Mr. *Sleigh.*

W. Richardson.

530. WHERE do you live now; in Birmingham?—Yes.

531. What are you by trade?—A watch-case maker.

532. Did you formerly live at Coventry?—Yes.

533. You are a freeman by apprenticeship?—Yes.

534. Did you vote at the last election in 1867?—Yes.

535. For Mr. Jackson?—For Mr. Jackson.

536. That was on Tuesday, the 23rd; how long before the Tuesday when you went to poll was it you first heard that the election was coming off?—I think it was two or three days.

537. How was that; did you get circulars?—Yes.

538. From both sides, I suppose?—Yes.

539. Do you know a person of the name of Stephen Knapp?—No, not as I know of.

540. Do you know the "Shakespeare" Inn at Birmingham?—I do not know that I do.

541. Kept

541. Kept by Yates, in Temple-street?—Yes; I know that.

542. Did you go there upon the Saturday or Monday before you went to poll?—I do not know.

543. One night before the Tuesday when you went to Coventry did you go to the "Shakespeare" Inn?—Yes.

544. What night was that?—I am sure I could not tell.

545. You remember going on the Tuesday morning to Coventry?—Yes.

546. Was it the night before?—Yes.

547. Who did you find there?—There were a great many gentlemen there; I did not know them.

548. What part of the house did you go to?—Up-stairs.

549. Who were those gentlemen. You knew some of them, did you, who were there?—I knew my master.

550. Was he there?—Yes.

551. What is his name?—Edwin Wright.

552. He is a watch-case maker, is he?—A watch manufacturer.

553. You went next morning to Coventry. Did Edwin Wright go also?—Yes.

554. Edwin Wright and yourself went. How many were there in this room in the "Shakespeare" tavern on the Monday night?—I cannot say how many there were.

555. How many; about a dozen or 20?—There might be a dozen.

556. Were some of those persons who went the next day to Coventry with you?—Yes.

557. How long were you at the "Shakespeare" Inn on this Monday night?—It might be an hour.

558. What was the talk about?—There was nothing talked about that I know of, only about going to vote the next day.

559. What was said about that?—They said we were to meet at eight o'clock in the morning, the next morning, to go.

560. Was anything said by anybody about how you were to go, or how you were to get your tickets?—They said they would find us the tickets to take us there, and bring us back again; find us the return tickets.

561. You say that they said you should have a return ticket, and all that kind of thing; was anything else said about money?

562. Mr. *James.*] What does "all that kind of thing" mean?—

563. Mr. *Sleigh.*] Was anything said by anybody there about any money besides the ticket?—My employer gave me 10 *s.* for my day away.

564. You say your employer; is that Edwin Wright?—Yes.

565. You say he gave you 10 *s.*, or promised it to you?—He gave it me.

566. That night?—No.

567. What did he say about the 10 *s.*?—

Mr. *James* objected to the question; the name of Wright not being in the list handed in.

Mr. *Sleigh* was heard in support of the question, and submitted that it was in the power of the Committee to add the name of Edwin Wright to the list.

Mr. *James* was heard in reply.

The *Committee* acceded to the application of Mr. *Sleigh.*

W. Richardson.

12 March 1868.

568. Mr. *Sleigh* (to the *Witness*).] With respect to Mr. Wright, what did he say to you that Monday night at the "Shakespeare" about the 10 *s.*?—He did not say anything.

569. You said something to him, you have told us?—No.

570. Who spoke about the 10 *s.*?—I said he gave me 10 *s.*; that was on the Wednesday morning when I got to Birmingham again.

571. What was said, if anything, by any person on Monday night about 10 *s.*; did anybody say anything about 10 *s.* that night?—No.

572. I mean any one in that room at the "Shakespeare"?—No.

573. Either to yourself or anybody else?—No.

574. You know Stephen Knapp?—No.

575. Where did you receive the 10 *s.*?—In Birmingham.

576. From whom?—From Mr. Edwin Wright.

577. Where did he give it you?—In the street.

578. By the *Committee.*] Do you work as a journeyman for Mr. Wright?—Yes.

579. Mr. *Sleigh.*] You have already told the Committee that you were to meet the next morning and go to Coventry; where was it agreed that you were to meet the next morning?—At the "Shakespeare."

580. Did you meet the next morning?—Yes, and had breakfast.

581. How many besides yourself?—I could not tell you how many; I did not count them.

582. About how many?—There might be a dozen; I could not tell.

583. There might be a dozen or more?—There might be a dozen or more.

584. Did you pay for your breakfast?—No.

585. Did any of them pay?—Not as I am aware of.

586. Having had your breakfast, what time in the morning was that?—I think about nine; I will not be sure.

587. Having had breakfast, where did you get your railway ticket?—At the New-street station.

588. Did you all go together to the station?—Yes.

589. The other people got their tickets too, I suppose?—Yes, they all had their tickets.

590. The same person distributed the tickets to each of you?—Yes.

591. Having got to Coventry, what was the course of proceeding; there you left the train?—Yes, and went and voted.

592. All together?—Yes, we went to vote.

593. Was Edwin Wright with you?—Yes.

594. Having polled, what became of you then?—I went about where I thought proper.

595. What became of you; where did you go to after polling; did you go the "Castle"?—No.

596. Do you know a man of the name of Yardley?—Yes.

597. Did you both go together to poll?—Yes.

598. And polled at the same time?—(*No answer.*)

599. When you left the railway station, and before you went to the polling booth, did not you go to some house with Yardley and Wright?—Yes, we went to the "King's Head."

W. Richardson.

12 March 1868.

600. Are you quite sure it was the "King's Head"; do you know the "Castle" at Coventry?—Yes.

601. Where was it you went to that morning; was not it the "Castle"?—No.

602. Yardley and Wright you say went with you?—Yes.

603. And you went to a public-house?—We went to the "King's Head."

604. Did you go into the house?—Yes.

605. A room?—Yes.

606. What part of the house?—It was on the second floor.

607. Did you see placards up there?—No.

608. Whom did you see there when you went up-stairs?—I saw several men there.

609. What were they doing?—I do not know.

610. Were they standing or sitting at the tables?—There were some standing and some sitting.

611. What were those who were sitting doing?—They were not doing anything that I know of.

612. Were there pens and ink and paper?—Yes, there were pens and ink.

613. Was this one of Mr. Jackson's houses, or Mr. Ferrand's?—Mr. Jackson's house.

614. Whereabouts is this house that you call the "King's Head" in Coventry?—At the top of Hertford-street.

615. How long did you stay there?—I might have stopped there half an hour.

616. Did you have anything while you were there?—Yes.

617. What was it; what did you have?—A glass of ale.

618. And the others?—Yes.

619. Had you anything to eat?—Yes.

620. What did you have to eat?—Some beef.

621. Did you pay for it?—No.

622. Or did any of the others pay for it?—Not that I am aware of.

623. By the *Committee.*] Was this after voting?—

Mr. *Cook.*] Before voting.

Witness.] This was after the polling.

624. Mr. *Sleigh.*] You went from the railway station to the "King's Head," then you had this beef and beer, and then I was about to ask you from that did you go to the polling-place?—It was after, after we had polled.

625. When you left the railway station, did you and Yardley and Wright go to some house before you went to poll?—Yes.

626. Was that the "Castle"?—Yes.

627. How long did you stay at the "Castle" before you went to the poll?—Not many minutes.

628. Then you went to the poll, and Yardley and Wright with you?—Wright went with me.

629. And Yardley?—No, he did not go to the same booth to poll with me.

630. Did he walk with you, and then did you separate to go to different booths?—Yes.

631. After having polled, you went to where; did you go back to the "Castle"?—Yes.

632. By the *Committee.*] After polling?—Yes.

633. Mr. *Sleigh.*] What part of the house did you go to?—On the second floor.

634. Were there any persons in that room when you went there?—Yes.

635. How many?—I could not tell; there might be a dozen; I could not tell.

636. What happened in that room; how long did you stay there?—About half an hour.

637. Did you get any money there?—No.

638. What became of you when you had been there about half an hour?—I went out.

639. Where did you go?—I was walking about the town.

640. Do you know the "Red Lion"?—Yes.

641. Did you happen to get to the "Red Lion"?—No.

642. Did you go into the "Red Lion"?—No.

643. You were not there that morning?—No.

644. Did you go to any public-house after polling, after you had been to the "Castle"?—No.

645. *Chairman.*] When did this Witness go to the "King's Head"?—

646. Mr. *Sleigh* (to the *Witness*).] You went to a house you call the "King's Head;" was that a public-house?—Yes.

647. After the polling?—Yes.

648. At this house, whatever the name of it, did you have something to eat and drink?—Yes.

649. And others who had polled?—Yes.

650. Did you pay for it?—No.

651. Or any of the others?—Not that I know of.

652. *Chairman.*] Did he go to the "King's Head" before or after he went to the "Castle"?—

653. Mr. *Sleigh.*] He went to the "Castle" first, as I understand distinctly; (to the *Witness*) from the railway station was the first house you went to, and before you went to poll, the "Castle"?—We went to the "Castle" after we polled.

654. I am asking before you polled, upon leaving the railway station did I rightly understand you to say that you and the others, before you went to poll, went to the "Castle"?—Yes, I did say so.

655. Then you went to poll, and then you went back to the "Castle"?—Yes.

656. When did you go to the house you call the "King's Head"; how soon after leaving the "Castle," after polling?—I was not at the "Castle" at all.

657. Whatever the name of the house was, after polling you had something to eat and drink, and neither you nor they paid anything for it?—Yes.

658. When you went to the "Castle," and saw Wright——

Chairman.] He says he never went to the "Castle" at all.

659. Mr. *Sleigh.*] Were you at the "Castle"?—No.

660. Not at all?—No.

661. Not during the whole morning?—No.

662. Who took you away from the "King's Head"?—Mr. Wright.

663. And Yardley with him?—Yes.

664. When you were in this house which you and Wright were in, what was Wright doing; was he talking to the people you found in the room?—No.

665. What was he doing?—Not anything.

666. What did he do?—He left us in the room, and went and talked to some gentlemen.

667. How long was he talking to those gentlemen?—Not above a minute.

668. After that it was you went with him to poll?—Yes.

669. Whoever

669. Whoever he was who gave you all the railway tickets, did you see that person that morning at Coventry; did the person who gave you the railway tickets at Birmingham go with you to Coventry?—Yes.

670. Did you see him in Coventry during the morning?—Yes.

671. Whereabouts?—In Spon-street.

672. Do you know the "Mechanics' Arms"?—Yes.

673. In Spon-street?—Yes.

674. Did you see him there?—No.

675. I mean in the street near the "Mechanics' Arms"?—No.

676. Did you see him again at the latter part of the day before you returned to Birmingham?—I did not see him again till Wednesday morning.

677. Was that same person present when you were paid the 10*s.* on Wednesday morning by Wright?—Yes.

678. Have you since found out that his name is Stephen Knapp?—No.

Cross-examined by Mr. *Henry James.*

679. Have you known Coventry long; how long were you at Coventry before you went to Birmingham?—I had been there about seven years.

680. You know the "King's Head" pretty well?—Yes.

681. Is it at one corner of Hertford-street?—Yes.

682. Does the house look into any other street besides Hertford-street?—Yes.

683. Is that other street called Smithford-street?—Yes.

684. The house looks into Hertford-street one way, and Smithford-street the other way?—Yes.

685. Are you quite sure that is the "King's Head"?—Yes.

686. You know the "King's Head" when you see it?—Yes.

687. That is the house you went into?—Yes.

688. Mr. *James.*] That was Mr. Ferrand's house. (To the *Witness.*) There it was you had the beef?—Yes.

689. That is all you had to eat without paying for it in Coventry?—We had beef.

[The Witness withdrew.

Adjourned to To-morrow, at Eleven o'clock.

Friday, 13*th March* 1868.

SIR PHILIP GREY EGERTON, BART., IN THE CHAIR.

The names of the Members were called over:—all present.

JOHN LEE was called in; and, having been sworn, was Examined by Mr. *Cook*, as follows:

J. Lee.
13 March 1868.

690. ARE you a Freeman of the city of Coventry?—Yes.

691. Do you know a freeman of the name of Charles Lee?—Yes.

692. Is he a relation of yours?—A brother of mine.

693. Were you and your brother Charles residing in Birmingham last July?—Yes.

694. And were you both at that time freemen on the register for Coventry?—Yes.

695. Did you vote at the last election for Coventry?—Yes.

696. Whom did you vote for?—Mr. Jackson.

697. Did your brother, Charles, go with you to poll?—Yes.

698. Did you receive circulars from Coventry, telling you about the election?—Yes.

699. From both of them?—Only from one committee.

700. Was that Mr. Jackson's?—Yes.

701. Did you go before the election to a place called the "Shakespeare Tavern," in Birmingham?—Yes.

702. What was the first occasion you went there; was it Saturday?—On Saturday night.

703. Had you been to any meeting of Coventry voters in Birmingham before that Saturday night?—No.

704. Did you meet a good party of Coventry men at the "Shakespeare" on Saturday night?—Yes.

705. Were you a good party?—I dare say there were 25.

706. Was Stephen Knapp there on that occasion?—Yes.

707. Were you all in the room up-stairs or down-stairs?—Up-stairs.

708. I believe that was what they called the long room?—Yes.

709. Was anything settled that Saturday evening about going to Coventry, or talked about?—We were to meet again on Monday night.

710. Had you refreshment on the Saturday?—No; we had beer.

711. Did you pay for that, or did somebody else pay, or do not you know who paid?—I do not know.

712. Did you go on the Monday, according to arrangement, to the "Shakespeare"?—Yes.

713. In the evening?—Yes, in the evening.

714. About what period of the evening?—I might say eight o'clock; between seven and eight.

715. That was the nomination day, the day before the poll; did you find the party that had separated on Saturday assembled there on the Monday?—Yes.

716. Do you know William Richardson?—No.

717. Do you know Thomas Yardley?—No, I do not.

718. Were there men there you knew by sight, though you do not know their names?—Yes, Coventry men; I do not know their names.

719. To what trade or calling have you been apprenticed?—The watch trade; the watch finishing.

720. What was, if anything, said, or done, or arranged on Monday night about going to Coventry?—The arrangement was, on the Monday night, that we was going to vote in the morning, and we was to receive 10*s.* each; that was for our loss of time.

721. Any railway ticket?—Yes, I had a ticket given me.

722. It was said overnight that you were to have your ticket; what was said by Knapp or anybody as to what was to be done overnight; what was agreed: you were to come next morning to breakfast?—Yes.

723. In addition to your breakfast, what did Knapp tell you would be the result of your voting for Mr. Jackson; 10*s.*, you say, for loss of time?——

Mr. *James.*] He did not say anything about result of voting for Mr. Jackson.

Mr. Serjeant *Ballantine.*] My learned friend is giving evidence instead of allowing the witness to do it.

724. Mr. *Cook.*] You say you were to go to vote next day, and you were to have 10*s.* for loss of time: was anything said on that occasion about a railway ticket?—That that would be included in it; we had a railway ticket.

725. Who said it would include the railway ticket?—Knapp gave me the ticket.

726. I know he did next morning; but was anything said by Knapp or anybody on the Monday night that you were to have a railway ticket as well as 10*s.*?—Yes, it was all arranged together.

727. Had you on the Monday night, you and the party that were there, refreshment?—Not on the Monday night.

728. No beef?—Nothing to eat at all.

729. No ale?—Nothing to eat at all.

730. A little to drink?—A little to drink we had.

731. Did you all meet on the Tuesday morning?—Yes.

732. Did you find breakfast prepared for you?—Yes, we found breakfast there.

733. You and the party that had been there on the Monday night were there; first one and then the

the other tumbled in?—Yes, we met on the Tuesday morning, at eight o'clock.

734. Did you pay for the beer on the Monday night, or the breakfast on Tuesday morning?—No.

735. Did you go down to the railway station, and did you there get a ticket?—We had the tickets before we left the room.

736. Was a railway ticket given to more than yourself?—Each one had a ticket; each was served.

737. From whom; who gave you your ticket?—Knapp.

738. Did he distribute them to other people there?—Yes.

739. Did you see Wright; do you know Wright?—No.

740. Did you all go off with the train to Coventry?—Yes.

741. Knapp with you?—Yes.

742. On getting to the Coventry station did you walk or get into a vehicle?—We took a cab.

743. Did you cab it to any part of the town?—To the "Castle."

744. Did you and the party go into the "Castle?"—All of us.

745. Where did you go to?—We stayed in the room at the "Castle."

746. What room?—In the "Castle" room; we went into the committee-room.

747. How long were you there before you left it to poll?—No more than a quarter of an hour.

748. Did you go out by twos and threes, or by yourself?—I think we went by twos and threes; we went anyhow.

749. Did you go out when it suited you?—They asked us to go.

750. Do you recollect what Birmingham voters went to poll with you?—My brother went to poll with me.

751. Charles?—Yes.

752. Did you and your brother return to the committee-room?—Yes.

753. I mean the same room you had been in before?—Yes.

754. Did you there see a good many of the men who had come with you from Birmingham?—Yes, I saw most of them return to that room.

755. Did you see any other Coventry people whose names you can recollect, in the room?—Mr. Oswin.

756. Mr. Oswin is a Birmingham man?—He is a Coventry man.

757. Did you see anybody that you recollect living in Coventry whose names you can tell me; do you know Dresser?—I cannot say I do.

758. Did you receive any money in that room?—Yes, I received my 10*s.*

759. Was that after you came back from voting?—After I came back from voting.

760. Who paid you?—There was no question asked particularly.

761. Were you asked if you had voted?—Decidedly, they asked if we had all voted.

762. Who do you mean by all?—Me and my brother and the rest.

763. Then you were altogether, were you?—Yes.

764. Were you paid all at once in a lump?—I cannot say; I know there were several; I received it at the time my brother did.

765. You and your brother received it from Knapp?—Yes.

766. Did you see where Knapp took the money from?—I cannot say that.

767. What coin did he pay you in?—Half a sovereign.

768. You mean a gold coin?—Yes.

769. Did I understand you to say you were paid in one piece of gold coin?—One piece of gold.

770. Did you see what coin your brother was paid in; was that a half sovereign?—I would not say for certain.

771. What is your impression; that they were all paid in half sovereigns, or was silver counted out to any?—I feel confident that they were all paid in gold.

772. Was it handed by Knapp to you, or passed on from one to the other?—Knapp gave it to me himself.

773. To the best of your recollection, did he do that to others, or did he hand it to you to pay any others?—No, he gave it hand to hand, every one.

774. After you had received your half sovereign were you told to go anywhere?—Yes.

775. Where to?—To the "Lion," in Hertford-street.

776. What colour is the "Lion" that you went to?—They call it the "Golden Lion," I believe.

777. By the *Committee.*] What street was it in?—Hertford-street.

778. Mr. *Cook.*] Did you see the other Birmingham men there?—Yes.

779. You say the "Lion," which was the sign of the house to which you went, was in Hertford-street?—It is the "Lion" in Hertford-street.

780. Do you know a Birmingham voter named Moon?—No.

781. Did you find at this "Lion" refreshment provided?—Yes, there was a little refreshment.

782. Meat and drink?—Yes.

783. Did you find a good few of those who had come with you from Birmingham?—Yes, there were the biggest majority of them there.

784. Did you pay there anything?—No.

Cross-examined by Mr. Serjeant *Ballantine.*

785. Tell me the ward you vote for?—The Jordan Well Ward.

786. Whether this is the "Golden Lion" or the "Red Lion," or whatever the colour of the "Lion;" what did you really have to eat and drink?—We had beef and bread and beer.

787. Pretty much what you live upon generally?—There was sufficient for everyone to eat, I believe.

788. How long had you known there was to be a contest for Coventry; you had known that Coventry was canvassed by these gentlemen some weeks before, I suppose?—No, not till a day or two before.

789. I suppose you voted before for the borough?—Yes.

790. Did you vote for Peel on the former occasion?—Yes, I voted for Peel.

791. He was Liberal?—Yes.

792. I suppose you meant to vote for the Liberal again?—Of course, if I found him a gentleman according to my opinions.

793. About this room in the "Castle;" you call it the committee-room; how was it occupied besides those men from Birmingham, who were there;

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there; clerks, were there not?—There were several there writing; I did not particularly notice the gentlemen; we did not stay there long.

794. You wanted to go to the "Golden Lion"?—No, not particularly to get to the "Golden Lion;" we did not want to get to the "Golden Lion."

795. The door was open, I suppose; anybody could go in?—I do not know for that; I went in.

796. Were there many people in besides you Birmingham voters?—I should say there were the majority of them there.

797. The majority of what?—Of Birmingham voters.

798. Were there other people besides Birmingham voters?—Yes, I believe there were several other people besides.

799. Did you know who they were?—No.

Re-examined by Mr. *Cook*.

800. Were the other people Mr. Jackson's people; was it the "Castle Inn" where Mr. Jackson's party were?—Yes.

801. Outside this "Lion" that you went to, did you see any bills?—No.

802. Did you notice whether bills were placarded outside?—I did not notice that.

803. What did you say about your voting if the candidate was a gentleman; what was it you said when they asked you to vote?—They said, would I vote for the Liberal again?

804. And you said if what?—If I thought he was a gentleman.

805. That would do his duty as a gentleman, I suppose you mean?—I thought Mr. Peel was a gentleman.

[The Witness was directed to withdraw.

WILLIAM OSWIN was called in; and, having been sworn, was Examined by Mr. *Sleigh*, as follows:

W. Oswin.

806. ARE you a Freeman of Coventry?—Yes.

807. At the time of the election last year you were living at Birmingham?—Yes.

808. What are you by business?—A weaver.

809. How long before the election came off, which came off on the Tuesday, had you heard anything about it; a few days before, I suppose?—Yes.

810. Do you know the "Shakespeare Inn," at Birmingham?—Yes.

811. Did you go there some two or three days before the Tuesday?—Yes, a day or two.

812. When was that; one evening, was it not?—Yes, it was.

813. What evening was it?—I think it was the evening prior to the election.

814. The Monday night?—Yes.

815. About what time that night?—About seven; between seven and eight.

816. Did you find any persons then when you went there?—Yes.

817. People you know?—Some of them.

818. Do you know Stephen Knapp?—Yes.

819. Was he there?—Yes.

820. Were there a good many in the room when you got there?—I suppose 16 or 18.

821. How did it happen that you went to the "Shakespeare"?—I heard promiscuously, I could not tell you how, that there was a gathering of the electors there for Coventry on the Liberal interest.

822. What was arranged that night about going to vote at Coventry?—In what way do you mean.

823. I mean how were you to go?—Knapp said any one who felt inclined to go he would forward them a day's pay if they thought well; he was to bear their expenses.

824. A day's pay;—Yes.

825. What amount was mentioned at the day's pay; how much were you to have?—10*s*.

826. How were you to get there; who was to pay for that?—I did not.

827. About getting there by railway, who was to find the ticket for you to go?—I believe Knapp found the ticket.

828. What was said about it that night?—Knapp said he would pay the railway there and back.

829. Did you assemble the next morning at the same place?—Yes.

830. Who gave you your railway ticket that morning?—Mr. Knapp.

831. Did you have it that morning or the night before?—That morning.

832. Did you all go to the station together?—Yes.

833. Who went to the station with you, whose names you can tell me now besides Mr. Knapp; do you know Edwin Wright by name?—I do not.

834. As to those who went with you to the railway station, did you know them as persons whom you had previously known in Coventry:—I knew some of them.

835. Do you know the Lees, the brothers?—Yes.

836. Were they amongst those who went?—Yes, and William Worston.

837. Do you know Moon?—Yes, I know him now, this is the first time I see him; he came with me this morning, or I should not have known him.

838. Do you know him as one of the men who went to the "Shakespeare"?—No.

839. Do you know Allen Kent by name?—I do not.

840. You say that several of those who did go with you you knew to be Coventry voters?—Yes.

841. Upon getting to Coventry, where did you go to all of you?—To the "Castle."

842. Whereabouts did you go to in the "Castle"?—In the "Castle" room.

843. How long did you stay there?—A very few minutes.

844. And then you went to the poll?—Yes.

845. How did you go, alone, or did several go with you, or how was it?—Two or three went; about two went, two or three.

846. Having polled, where did you go to?—To the "Castle."

847. Did you go into the same room again?—Yes.

848. Was Knapp there when you went back?—Yes.

849. In the room?—Yes.

850. In

850. In that room were there many people?—There might be 30 or 40.

851. And coming back from the poll, did you come back alone or with some of the others who had gone with you?—By myself after I had voted.

852. When you went back did you find any of the other Birmingham men who had voted already in the room, or did they come in afterwards?—Some of them were in the room.

853. Did others of them come in while you were there?—I did not notice that.

854. What happened in the room; were any questions asked you as to whether you had voted or not?—Yes.

855. Who asked you?—Knapp.

856. Were you asked the question by anybody as to whether you had voted or not?—Yes.

857. Who asked you that question?—Knapp.

858. Did you hear him ask the same question of others?—No, not that I know of.

859. When you said that you had voted, what did he do then?—He gave me half a sovereign.

860. In gold?—Yes.

861. When he asked you whether you had voted, and gave you the half sovereign, did he give it to you immediately or did you see him speak to some person?—No, he did not speak to anyone that I know of.

862. After having received your half sovereign what became of you; did you have anything to eat and drink that morning after voting?—No.

863. When did you go back to Birmingham?—The same night.

864. You were in Coventry all that day; did you go into any house and have anything to eat and drink?—No, only to a private house.

865. To some friend of yours?—Yes.

866. At the "Shakspeare," did you have anything to eat and drink?—No.

867. To eat or to drink?—No.

868. Nothing in the shape of beer?—Yes, I paid for it myself.

869. At the bar?—I paid for it out of my own pocket.

Chairman.] Perhaps the witness is a teetotaller.

Witness.] I may explain it in this way: some 20 years ago I made a vow that I would not eat and drink at any candidate's expense, and I have not from that day to this.

Cross-examined by Mr. Serjeant *Ballantine.*

870. You voted for Peel in 1863?—Yes.

[The Witness was directed to withdraw.

WILLIAM MOON, was called in; and having been sworn, was Examined by Mr. *Cooke*, as follows:—

871. YOU are a Freeman of the City of Coventry?—Yes.

872. To what trade were you apprenticed?—A tailor.

873. Were you residing in Birmingham last July?—Yes.

874. At that time your name was on the register of voters for Coventry?—Yes.

875. Did you receive any circular from Coventry, telling you that there was going to be an election?—No.

876. How did you get to know that there was an election?—I go over there every Saturday to receive the seniority money which is coming to me.

877. Being at Coventry, you found an election going on?—Yes.

878. On that Saturday you came back to Birmingham?—Yes.

879. Did you go to the "Shakspeare Inn" in Birmingham?—Not on the Saturday.

880. At any time?—On Monday.

881. How came you to get there; who asked you to go there?—I was informed by some of the freemen of Coventry that I was to go there.

882. Who told you?—I cannot tell.

883. What were you told?—

Mr. Serjeant *Ballantine* objected to the question.

884. Mr. *Cooke.*] You went to the "Shakspeare" from what you were told?—Yes.

885. What did you go to the "Shakspeare" for?—To know when the election was coming on.

886. Was the "Shakspeare" a place employed for anybody?—That I cannot say.

887. Why did you go to the "Shakspeare" to ascertain?—Because I was informed that I could get every information there.

888. Was there anybody that you particularly expected to find there?—No.

889. Did you know Stephen Knapp?—Yes.

890. Do you remember when he was a printer in Coventry?—Yes.

891. Do you know him in Birmingham?—Yes.

892. Is it true that he keeps a temperance house?—I believe so, at least his son keeps it now.

893. What is he doing?—I do not know.

894. What time on the Monday did you get to the "Shakspeare"?—In the evening, about seven or eight o'clock.

895. Did you go into the room upstairs?—No.

896. What part of the house were you in?—In the bar.

897. You did not go upstairs?—Yes, the following morning.

898. That night you were in the bar?—Yes.

899. Did you see Knapp that night?—I did not.

900. Do you know a person named Wright; Edmond Wright, a Birmingham manufacturer?—I do not.

901. Who did you see to have any conversation with that night?—No one particularly.

902. What took you there the next morning?—I was informed that they were going to meet there.

903. You must have been told by somebody?—I believe Yates told me.

904. That is the landlord?—Yes.

905. In consequence of what the landlord said, you went away that night, and came back the next morning?—Yes.

906. What time did you get there the next morning?—About half-past seven o'clock.

907. Did you then go into the room upstairs?—Yes.

908. Did you find a party of voters assembled there in the room?—I did.

909. And breakfast provided?—I do not know who provided it.

910. Did

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910. Did you find breakfast on the table?—I did not, for I never take any breakfast at all.

911. What is your first meal? — About 11 o'clock.

912. Did you see others enjoying that meal which you were not able to partake of yourself? —I did.

913. Did you ask anybody, or did anybody speak to you about your going to vote?—Yes.

914. Who was the party? — Several parties asked me.

915. You had conversation with several parties in the room?—Yes.

916. Was Knapp in the room?—I did not see him.

917. Did you speak to Knapp?—No.

918. Did Knapp speak to you? — Not that morning; I did not see him that morning.

919. Did you not see him in that room?—No.

920. Did you get a railway ticket from anyone?—A gentleman gave me it.

921. A gentleman in that room?—No, not in that room.

922. Where did you get it?—On the platform.

923. Did he give the ticket to you alone, or did he give one to others at the same time?—They were distributing them about among the freemen of Coventry.

924. Freemen of Coventry who were on the platform going by the train?—Yes.

925. And you do not know who it was that gave it to you?—No, though I knew the man personally by sight.

926. Have you seen him since?—I think not.

927. Did you see him in Coventry on the day of the poll?—I did not.

928. Can you tell me the name of any freeman of Coventry that you travelled with to Coventry from Birmingham that morning?—I cannot, my recollection is rather lost now. I am 73 years of age, and my memory is not so good as it was.

929. When you got to Coventry, how did you travel into the town; on your legs or by omnibus?—We had a bus.

930. Did that 'bus convey you to any place? —To the "Castle."

931. Did you go into the "Castle" with the party?—Yes.

932. To what part of the house?—We went upstairs, where the committee sat.

933. How long did you wait there before you went to the poll?—Nearly as soon as we got into the room.

934. Were you asked to go by twos and threes? —We went four, or five, or six together, and so on.

935. I suppose to the same booth?—No, not all together to the same booth.

936. Did some person that was in the room go with you?—Yes, there was a certain person.

937. One of the persons in the room went with each party of voters?—Yes.

938. Did you see Knapp in that room?—I did.

939. Where had you seen him first that morning?—That was the first time I saw him.

940. After polling did you return to that room? —Yes.

941. With the two or three persons who had been to your booth?—Yes, the whole of us.

942. In that room, did you receive some money? —I did.

943. How much?—Half-a-sovereign; 10*s.*

944. In one piece of gold, or in silver?—In one piece of gold.

945. Who gave it you?—Knapp.

946. You say that you had no previous conversation with him?—No.

947. Did he tell you why he gave it you?—It was to defray my day's expenses.

948. What expenses?—My expenses; what I might spend, or what I might lose in work, or what not.

949. Did he ask you if you had voted before he paid you?—No.

950. Did he ask anybody else if they had voted before he paid them?—I did not hear him.

951. Had you arranged with anybody, beforehand, to be repaid?—I was led to understand that I should be paid for my day's work.

952. Did you expect, before you left Birmingham, to receive that 10*s.* after voting?—Yes.

953. Was that from anything you had heard at the "Shakespeare"?—No, I was told in the street.

954. After the payment of the money, were you requested to go anywhere, or told to go anywhere?—Only to the "Red Lion."

955. Who was the person that told you to go there?—I do not know who he was.

956. One of the persons in the room?—Yes.

957. What was he doing?—He was a similar freeman to myself.

958. Do you mean one of the Birmingham men who came with you?—Yes.

959. Not having had any breakfast, were you delighted to see something like a middle day repast at the "Red Lion?"—Yes.

960. I hope you found what was suitable to your state of hunger?—Quite so.

961. Did you find ale there?—Yes.

962. I am told there is very good nectar at the "Red Lion;" you never touched that?—That is what I never dabble in.

963. What did you find in the way of substantials; roast beef?—Yes.

964. Broiled ham?—Roast beef and ham.

965. A good supply of everything?—Yes.

966. Did the different Birmingham men, as far as you knew them by sight, come to assist at the entertainment?—Yes.

967. Were you asked to pay?—No.

968. And did not pay?—No.

Mr. *Cook* stated that the next witness was at Birmingham, at the "Shakespeare;" but he was one of the two names out of the list, and he only called him for the purpose of corroborating the other evidence.

HENRY ROE was called in; and having been sworn, was Examined by Mr. *Cook*, as follows:—

H. Roe.

969. ARE you a Freeman of the City of Coventry?—Yes.

970. What trade were you apprenticed to?—A watchmaker.

971. Were you, in July last, residing in Birmingham, being a freeman of Coventry?—Yes.

972. Did you vote at the election?—Yes.

973. Who did you poll for?—Mr. Jackson.

974. After

974. After you had voted, did you go to the "Castle Hotel"?—Yes.

975. What part of the house did you go to?—A large room in the "Castle Hotel."

976. Did you find many voters there?—There were a great many people there, but not knowing them, I could not say whether they were voters.

977. Did you see Stephen Knapp there?—Yes, I saw Stephen Knapp.

978. Did you see him giving money to any people?—No.

979. Not to anyone?—No.

On the following question being put: "Did you get any money yourself"?—

Mr. Serjeant *Ballantine* objected to the question, the Witness not being one of the persons mentioned in the list.

Mr. *Cook* was heard in support of his right to put the question, as being part of the *res gestæ*.

The *Chairman* stated that the Committee were of opinion that, the Witness's name not being on the list, the question could not be put.

980. Mr. *Cook*.] Did you see money in that room?—No.

981. Not passing from any one?—No.

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Cross-examined by Mr. Serjeant *Ballantine*.

982. Were you at the "Castle" at all?—Yes; I was at the "Castle" about two minutes.

983. Was the door open when you went in, and did you go into the large room?—Yes.

984. You had no difficulty about getting in?—No.

985. Could anybody go in who pleased?—Yes.

986. Were there a great many persons there?—There was a goodish few there.

987. I suppose there were a good many people about the house?—I did not go into any other part of the house.

988. I mean around the house?—Yes; outside.

989. And in the passages?—No; I did not see many people in the passages.

990. By the *Committee*.] What part of the house was this room in that you went into; was it upstairs or downstairs?—Upstairs.

[The Witness was directed to withdraw.

Joseph Pear was called in; and having been sworn, was Examined by Mr. *Sleigh*, as follows:—

J. Pear.

991. You are an Elector of Coventry?—Yes.

992. One of those called out-voters?—Yes.

993. You live out of the town a little way?—Yes.

994. At Radford?—Yes.

995. How far is that from the town; a mile?—About a mile.

996. On the Thursday before the election, did you happen to be walking along the streets of Coventry and meet any person there?—Yes.

997. Who was that?—His name was Harris, I think.

998. John Harris?—Yes.

999. Do you know Connop's, the printer's, in Smithford-street?—Yes.

1000. While you and Harris were walking along, near Connop's, did you see Mr. Connop?—Yes.

1001. Was anybody with Mr. Connop, when you saw him, or was he alone?—He was alone.

1002. How near to his own house?—In the shop.

1003. Did Mr. Connop give you a note to somebody?—Yes.

1004. Where did you take that note?—To Mr. Jones; Joseph Jones.

1005. Joseph Ratcliff Jones?—Yes.

1006. When you took the note to Mr. Jones what did Mr. Jones do; did he take you to any person?—He took me to Mr. Smith.

1007. Is that Paul Smith?—Yes; Mr. Jones took me with a note to Mr. Smith.

1008. Does Paul Smith live at Radford, likewise?—Yes.

1009. Upon Paul Smith looking at the note what did he say to you?—He said I was to go the next day.

1010. What else?—I left him.

1011. Before you left him he said you were to go next day; did he say anything about what you were to have for going?—There was nothing said about what I was to have, not then.

1012. You say that Paul Smith said you were to go the next day; at any time, that day afterwards, did he tell you what you were to have; did he say anything about money?—He said I was to well paid.

Chairman.] The next day would be the Friday; this was the Thursday before the election.

1013-14. Mr. *Sleigh*.] Was it the next day, Friday, that you were to go?—Yes.

1015. When was it said, "And you shall be well paid for it"?—On the Thursday.

1016. How much did he tell you, if anything; did he mention any sum you were to have?—Something about four days' pay.

1017. How much did he tell you you were to have in money?—Somewhere about a sovereign, I think.

1018. Did he say anything to you about putting your name down or anything of that kind?—He said he would put my name down.

1019. When he said "I will put your name down," did he then say how much you were to have?—No, it was after that.

1020. Were you applied to or asked to do anything upon the next day?—No.

1021. Or upon the Saturday?—No.

1022. Monday was the nomination day?—Yes.

1023. Upon the Monday morning, upon the morning of the nomination, did you go to any house at Radford with some other voters?—Yes.

1024. How many of you were there altogether?—About 10 to a dozen.

1025. What house was that at Radford?—It was a private house.

1026. Was Paul Smith there?—No.

1027. What did you have at that private house; did you have anything before you went to the nomination?—We had breakfast.

1028. A good breakfast, I hope?—Yes.

1029. Having had this good breakfast did you all go to the nomination?—Yes.

1030. Did you pay anything for that breakfast?—No.

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1031. Or did you see anybody else pay anything for it?—No.

1032. When you all went to the nomination, I suppose you stayed till there was a show of hands?—Yes.

1033. And you held up your hand, I suppose, for Mr. Jackson?—I did not hold my hand up.

1034. At this breakfast you say Paul Smith was not there; was Jones there?—Yes.

1035. Jones was there?—Yes.

1036. Who appeared to manage the breakfast?—Mr. Jones.

1037. Whose house was this at, at Radford?—It was one that he rented of some one.

1038. Were there placards in the window?—No.

1039. It was a pretty good large room, was it?—It was not such a large size kitchen; just about large enough.

1040. You say you did not hold up your hand at the nomination; why was that?—I was crushed.

1041. There was such a crush; was that it?—Yes.

1042. After the nomination did you see Paul Smith in the after part of that day or Jones?—No; I do not remember them.

1043. Was any arrangement come to as to what hour you should poll, or anything of that kind, on the Monday?—Yes.

1044. What was that arrangement?—That I was to poll for Mr. Jackson.

1045. Whom did you promise that to?—To Mr. Jones.

1046. About what time on Monday was it that you promised that to Mr. Jones; after the nomination, or was it before the nomination?—Before the nomination.

1047. At the breakfast, was it?—Yes.

1048. What did Mr. Jones say you were to have if you would poll for Mr. Jackson; did he say that you were to have anything for it?—Yes.

1049. How much?—He said I should be paid.

1049.* Was this addressed by Mr. Jones to you all generally at the breakfast table?—No, not about being paid.

1050. What he said to any of the others you did not hear?—No.

1051. You went to the poll and voted?—Yes.

1052. Whom did you vote for?—For Mr. Jackson.

1053. Upon the Thursday after the election; did you see Mr. Jones again?—Yes.

1054. In consequence of what Mr. Jones said to you, did you go to Paul Smith?—I met Paul Smith.

1055. At Radford?—Yes.

1056. What happened when you met Paul Smith at Radford; did he take you anywhere?—No.

1057. Are there some fields near his house?—Yes. I met him at the back of his house.

1058. What did he say to you?—He put his hand in his pocket and gave me some money.

1059. What did he give you?—Fifteen shillings out of his pocket.

1060. What did he say to you when he gave it you?—Nothing; he walked on.

1061. When he handed you the money what did he say to you?—He did not say anything.

1062. I suppose you put the money in your pocket?—Yes.

Cross-examined by Mr. Serjeant *Ballantine.*

1063. You live at Radford?—Yes.

1064. That is about two miles from Coventry, is it not?

Chairman.] He stated one mile.

1065. Mr. Serjeant *Ballantine.*] I thought it was further?—It might be further.

1066. Were you employed as a messenger?—No, there was nothing said about being employed as a messenger.

1067. What did you understand by being put on?—Put my name down.

1068. As what?—For my vote, I expected.

1069. You think it was the purchase of your vote; do you know a person of the name of Dews, the agent?—Yes.

1070. Is he here?—Yes.

1071. You have seen him, have you?—Yes.

1072. Have you seen his son here?—Yes.

1073. They are both here, are they?—Yes.

1074. Do you know any persons of the name of Mills and Needham?—Yes.

1075. A short time ago were you fetched away from your work by those men?—Yes.

1076. And were you taken to the "Hen and Chickens"?—Yes.

1077. And afterwards to the "Golden Cross?"—Yes.

1078. By the *Committee.*] Is the "Hen and Chickens" in Birmingham?—In Coventry.

1079. Mr. Serjeant *Ballantine.*] Did they treat you?—Yes.

1080. Pretty freely?—Yes, I had some beer.

1081. You had enough to make you drunk, had not you?—I was not what you may say drunk.

1082. Elevated?—Yes.

1083. It did not prevent your walking, I suppose?—No.

1084. You hardly knew what you were about, did you?—I knew what I was about, as far as that goes.

1085. Were you taken to Dews' office while you were in this state?—Yes.

1086. By the *Committee.*] Was this after the election?

1087. Mr. Serjeant *Ballantine.*] When was this?—After the election; at what time I cannot say.

1088. I suppose when they were getting up the petition?—Yes.

1089. Was Mr. Dews at his office?—Yes.

1090. Anybody else?—I did not see anyone else.

1091. Did you and Mr. Dews remain in the room together alone, or did Mr. Needham and the other remain?—Him and Needham were in the room.

1092. And Mr. Dews?—Yes.

1093. Did he write something down?—Yes.

1094. Did he ask you any questions?—Yes, he asked me a few questions.

1095. Were you in a fit state to answer them?—I do not know. I answered them.

1096. Were you in a fit state to do so; you were very drunk, were not you?—I was not very drunk; I had some beer.

1097. Were you ever so drunk before?—Oh, yes.

1098. Never much worse?—No, I never got much beer.

1099. Did you sign what Mr. Dews wrote?—Yes.

1100. Did

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1100. Did you know what you had told him?—Yes.

1101. Did he read it over to you?—Yes.

1102. And did he give Needham some money?—I did not see him give any.

1103. Did Needham give you any money?—Yes.

1104. How much?—Half-a-crown.

1105. What was that half-a-crown given you for?—I do not know.

1106. Have you no notion?—No.

1107. Do you mean, upon your oath, that you have no notion what it was given you for; you have sworn that 15 *s.* was given you for voting; what was the half-crown given you for?—Mr. Needham knows more about it than me.

1108. What do you know?—I did not know that I was going to have anything.

1109. You were surprised?—Yes.

1110. Did you express surprise?—No.

1111. Do you mean, on your oath, that you were surprised?—I did not expect it.

1112. Did not you expect any money?—Of course not.

1113. Why, of course not?—He did not say anything about it.

1114. It was handed to you by Needham; where?—In Mr. Dews' office.

1115. In the presence of Mr. Dews?—Yes.

1116. Did not you ask what it was for?—No; I went out of the room then.

1117. And yet you were quite surprised to get it?—There was nothing said about it.

1118. Were you surprised to get it?—Yes.

1119. You have often thought of it since, I dare say?—Yes.

1120. What do you think it was given you for; for your valuable signature to that piece of paper?—Yes; I expect so.

1121. And so do I; it was Paul Smith who gave you the 15 *s.* for your vote?—Mr. Smith.

1122. Did Mr. Jones see it?—Yes, Mr. Jones was there at the time he paid me; Mr. Jones was with Mr. Paul Smith.

1123. Jones is dead, is not he?—Yes.

1124. Paul Smith is still flourishing?—Yes.

1125. Have you had any other half-crowns since?—No.

1126. They do not come every day, do they?—No.

Re-examined by Mr. *Cook*.

1127. Have you told us to-day what you told Mr. Dews as to the money; is that what you told Mr. Dews; is that your signature that you gave on that occasion?—Yes.

1128. Is that the paper you signed?—Yes.

1129. Have you told us to-day what is written there?—Yes; I answered that gentleman correctly.

1130. Is it true what you have told that gentleman about the 15 *s.*?—Yes.

1131. Mr. *Cook*.] Put the paper in (*the Paper was handed in*).

JAMES WEST was called in; and, having been sworn, was Examined by Mr. *Cook*, as follows:

J. West.

1132. ARE you a Freeman of Coventry?—Yes.

1133. What was the trade by which you earned your privilege?—I am a silk dyer.

1134. By apprenticeship?—Yes.

1135. Were you a voter at the last election in July?—Yes.

1136. I believe you have always been on the light blue side on former elections?—I have always been on one side.

1137. That is the Conservative side?—Yes.

1138. At the last election you voted, I believe, for Mr. Jackson?—I did.

1139. Did you make one or two applications to your own friends to put your name down for employment?—Not exactly about that.

1140. You wished to help on their side; and did you get refused?—Yes.

1141. Did you understand on this occasion that they would not get any employment for you?—No, they found me no employment.

1142. They behaved rather rude to you, did they?—Yes.

1143. Being treated rather rudely, did you see Mr. Oliver Minster?—Yes.

1144. He is a gentleman on the other side?—Undoubtedly.

1145. Where on the first occasion was it that you and Mr. Minster had some talk?—In Smithford-street; in the public street.

1146. Was anybody with him at that time?—I believe Mr. Scampton was not far off.

1147. How long before the polling; on what day of the week was it that you saw him?—I should say four or five days before.

1148. What was said by you to Mr. Minster, or by Mr. Minster to you, that day in Smithford-street?—They told me distinctly they wanted me to go with them, and be with them.

1149. Was anything said besides that?—I told them distinctly that I should be with them, and they gave me a note to take to the committee-room to do some work.

1150. Did you see Mr. Minster once only, or more than once, about your vote?—I could not say.

1151. Did not you go to his office after you had seen him in the street; having seen him in the street, did not you go back again to your own party; did you go to Mr. Minster's house afterwards, or to his office?—Not afterwards.

1152. He could not have given you a note in the middle of the street, I should think?—Yes; he ripped it out of a bit of a book.

1153. Where did you go with the note?—I went to the Market-hall tavern close against Mr. Blyth's.

1154. Whom did you see there?—Mr. Trickett.

1155. Of the Hall Cross?—Yes.

1156. William Trickett?—Yes.

1157. Where did you find him?—I found him there at the place; at the "Market Hall Tavern."

1158. What ward is that in?—Spon-street ward.

1159. Was that a committee-room?—Yes.

1160. Were there bills in the window?—No; I saw no bills.

1161. How did you know that it was a committee-room?—Because I was sent there with the note.

1162. Did Mr. Minster tell you where to take the note?—He told me to take it to Mr. Trickett.

 1163. Did

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1163. Did he tell you where you would find Mr. Trickett?—Of course he did.

1164. Where?—At the "Market Hall Tavern."

1165. Having given Mr. Trickett the note, what did he say?—"All right; you do not want any work to-day:" and I said, "No:" and I did no work.

1166. Did he give you anything on that occasion; any money?—No, not then.

1167. Mr. Trickett, I mean?—No.

1168. When did you see him again?—I did not see him again till the time I was paid.

1169. Did he tell you whether he had put your name down?—He told me he should not want me to do anything further than go to poll for Mr. Jackson; that was the understanding between him and me.

1170. What was the understanding?—That I was to go to poll for Mr. Jackson; and I did so.

1171. What was the understanding after you had voted for Mr. Jackson?—That I was to have one sovereign.

1172. Did you do any work?—No.

1173. Did you meet a man named Sam Barber on the day of the election?—Samuel Barber, not Sam.

1174. Did you take Samuel Barber to Mr. Trickett?—Of course I did.

1175. Where did you find Mr. Trickett; at the same place?—Yes, he was there.

1176. Did you see other people in the room where Mr. Trickett was; were there papers there, and matters going on?—Yes. I saw other parties come in; they came in for some purpose or other. I did not make inquiries about their business.

1177. Was Mr. Trickett sitting at a table, and were there papers before him?—He was there, prepared to answer all questions put to him.

1178. Do you know whether he was the manager of that ward?—Of course, when Mr. Minster gave me the note to take to him.

1179. Did you know him in any other way to be the manager of that ward?—No, I never had any occasion to vote on that side before.

1180. When you took Barber to Mr. Trickett's, what did Mr. Trickett do?—He told us he did not want us to do any work that day, and I did not do any.

Mr. *James.*] I do not see that it is alleged that Barber was bribed by Mr. Trickett at all.

1181. Mr. *Cook.*] Did you see any piece of paper given to Barber at that committee-room when you took Barber there; was any paper given to him in your presence?—No, there was no paper given to Barber.

1182. Was a paper given to you; did you or Barber get anything?—I had no paper. I had an understanding that I was to go and poll for Mr. Jackson, and that I should be properly seen to.

1183. Did you go with Barber to Mr. Marston, the pawnbroker?—No, I never went to Mr. Marston's; I had no occasion to go there.

1184. Did you see Samuel Barber receive a note from Mr. Trickett?—Samuel Barber was along with me when I had the note of Mr. Minster.

1185. When you and Barber were together with Mr. Trickett, did you see Mr. Trickett give Barber a note?—Me and Barber were two workmen, both of us silk dyers; we were together; and Mr. Minster gave me a note to take to Mr. Trickett, to let him be informed that we were to have so much work; but we did no work.

1186. Did Barber go with you on that occasion to the committee-room where Mr. Trickett was?—He went with me into the place.

1187. Where Mr. Trickett was?—Yes.

1188. On that occasion did Barber get a note from Mr. Trickett to Mr. Marston?—I never saw Barber get a note from Mr. Trickett.

1189. Was Barber in the same ward with you?—No.

1190. What ward was he in?—I believe he belonged to Bishop-street ward.

1191. You belonged to another ward?—Yes.

1192. You voted very early in the morning?—No, I do not think is was so very early.

1193. What time did you vote?—I could not tell you.

1194. After voting, did you go to any public-house for refreshment?—Yes.

1195. Where to?—Mr. Munn's.

1196. What sign?—The "Golden Horse" is the name.

1197. Was that in Hertford-street?—Yes.

1198. Do you know the "Red Lion"?—Yes, it is not far from it; very near to it.

1199. Are you quite sure about the sign; was it the "Golden Horse"?—Yes, I believe it is.

1200. Did you pay for what you had?—No, I paid for nothing.

1201. We will pass from the voting day; did you on the Saturday after the poll go to the "Mechanics' Arms" in Spon-street?—No, I did not; not the Saturday after the poll. I went on the Friday evening, and received my money.

1202. At the "Mechanics' Arms"?—Yes.

1203. What part of the house; did you go upstairs?—I went upstairs.

1204. Who did you find in the room upstairs?—I saw Mr. Trickett ready prepared to pay us.

1205. About how many persons were there, when you went to be paid?—A great quantity. I could not tell you the number.

1206. Did you go one after the other?—He got a bag, and gave me a sovereign.

1207. He chucked it on the table?—No, he gave it me in my hand.

1208. Did you see him give the same to others?—A few more went in before I was paid.

1209. Were others behind you to go in?—There were plenty left behind me.

1210. Do you happen to know the name of any man who was there at the time you were?—No.

1211. Did you see a man named Redfern there?—Yes, I did see him; Charles.

1212. Was not David there?—I never saw David.

1213. Thomas Green; did you see him there?—No, he was not there; he was waiting in the street for me to come out.

1214. William Saunders?—Yes, he saw me change my sovereign as soon as I got it.

1215. Was he in the house?—He was waiting for me; he knew I had no money before I went in.

1216. Had he been in before you?—He was waiting for me till I got the money.

1217. Did you see any bills posted against the "Mechanics' Arms;" any of Jackson's bills?—I saw

I saw nothing of the kind; we were led to understand that we were to go and draw this money.

1218. You and others went to draw this money?—Yes.

1219. And you found that what you were led to understand was true?—Yes, and I had done nothing for it, only to go to poll for Mr. Jackson.

1220. Did you get any money during the week from Marston, the pawnbroker?—Not me.

1221. Did you see him pay Barber any money?—No.

Cross-examined by Mr. *James*.

1222. You say that you voted for the Tories before; I suppose that was Mr. Treherne and Mr. Eaton. Had you voted for Mr. Treherne and Mr. Eaton before?—Yes.

1223. How many times had you voted for the Tories?—For the Conservative party every time.

1224. How many times before?—Always.

1225. How many times has that been?—Ever since 1851.

1226. There have been a good many contests at Coventry; that would be five or six times, would not it?—I dare say.

1227. You have gone back to them now, have you not; you have gone back to the Conservative party since the election?—Oh, yes.

1228. When did you go back; when did you join the Conservative ranks, since the election?—I never deserted them yet.

1229. You always were a true Conservative?—Yes, I was.

1230. You have never changed your opinions?—No.

1231. When was it you went back to your old party?—I do not understand you properly.

1232. You say that you joined your old party again, and became a Conservative again; when was that; you know when you went back to them, and told them what had happened; when was it that you went back to your old party, and told the gentlemen what had happened?—I could not exactly say.

1233. How long was it after the election?—It might have been three weeks, or it might have been a month.

1234. To whom did you go?—To tell them the proceedings?

1235. Yes; to whom did you go?—(*The Witness hesitated*). To whom did you go?—Well, I went and spoke it to my own brother-in-law first of all.

1236. He does not represent the party. To whom did you go; did you go to Mr. Dews?—I did once go to Mr. Dews.

1237. Who took you there?—I had no one to take me there.

1238. Did anyone ask you to go?—No, I went by my own self.

1239. Had you spoken to anyone before you went to Mr. Dews, or did you go to Mr. Dews entirely out of your own head?—I did it entirely out of my own head piece. I thought I had done wrong.

1240. You have always been a Conservative?—Always.

1241. At the time of the election when you voted for Jackson?—No, I could not be a Conservative then.

1242. You always were so, and therefore would be so at that time. What made you go to Mr. Dews?—I like people properly to understand.

1243. What did you go there for?—To make him acquainted with the proceedings about Mr. Trickett, and the way I was done; the way I was bribed.

1244. You probably repented of it?—Of course.

1245. When did your repentance commence; I suppose it was after you had spent the sovereign your repentance commenced?—Yes.

1246. When was it?—It was not after then.

1247. I do not understand you; was it before you spent the sovereign; when was it you began to regret what you had done?—It was when I knowed and properly understood the meaning of this; of course, then, I did.

1248. Then you did not at the time understand the meaning of it?—Yes, I knew that I had to go to poll for Mr. Jackson.

1249. Did you repent at the time, because it was not till a month after that you went to Mr. Dews; that was when they were getting up the petition, was not it?—No, I do not know anything about that.

1250. You went without speaking to anyone?—Yes.

1251. When you got to Mr. Dews, did you tell him you had repented?—No, I did not tell him I had repented for what I had done.

1252. Did you tell Mr. Dews why you had come to him?—I told him I had been bribed, and I had been bought.

1253. You told him you had been bribed and bought; did you tell him you regretted it?—No, I did not distinctly tell him that.

1254. Did he take down what you said?—Yes.

1255. He was rather pleased, I suppose; there was a little joy over your repentance?—I do not think that he was pleased with it.

1256. Did you sign what he took down?—Yes.

1257. Do you know Thomas Hammerton?—Yes.

1258. Have you seen him?—Yes.

1259. When did you see Thomas Hammerton, before you went to Mr. Dews or afterwards?—I saw him a good bit after I went to Mr. Dews.

1260. And before, too?—No.

1261. Have you seen Hammerton?—Yes.

1262. To-day?—Yes.

1263. In the neighbourhood of this building?—Yes.

1264. Upon your oath, had you not seen Hammerton before you went to Mr. Dews?—No.

1265. Did you know him to speak to before you went to Mr. Dews?—No.

1266. How did Hammerton, then, if you did not know him before, happen to come to you?—When did he come to me?

1267. You said you saw him after you had been to Mr. Dews?—After I had been to Mr. Dews', of course.

1268. How did he come to speak to you?—I had had no transactions with Hammerton before I went to Mr. Dews.

1269. How was it, then, that he happened to come to you; why should he come to you?—When did he come to me?

1270. You

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1270. You said that he came to you?—I saw the man.

1271. When was it you saw him?—I could not say.

1272. How long after you had been to Mr. Dews?—A good while after.

1273. Weeks?—I dare say it was.

1274. Did you speak to him?—No.

1275. Nor he to you?—No.

1276. How did you know that he was Hammerton?—If you see a man in the street, they say, "That is so and so."

1277. Who said, "That is the man"?—No one.

1278. Then how did you know it was Hammerton?—No one told me it was Hammerton.

1279. Then how did you know it was Hammerton?—Because he is a man who goes about work; do not you see?

1280. I do not indeed. You had not known him before; how did you know it was Hammerton?—Because they say, "That is Hammerton;" the same as I might say, "That is Treherne or Eaton," in the street. I had nothing to do with the man; I had no dealings with the man before.

1281. Who said to you that that was Hammerton?—I do not know; I am not supposed to know every man I meet in the street.

1282. This was another stranger that told you that this was Mr. Hammerton; do you mean that a stranger told you that it was Mr. Hammerton?—He had no occasion to tell me about Mr. Hammerton.

1283. Who is he?—No one.

1284. How did you know it was Hammerton?—If a man is pointed out to you in the street——

1285. Who pointed him out to you?—(*The Witness hesitated.*)

1286. Who pointed him out to you?—A man when he is in a sphere of going on in working order like, they do not want much pointing out to you.

1287. Who pointed him out to you, because you say he was pointed out to you; who pointed him out to you?—Who pointed Mr. Hammerton out to me? His own profession pointed him out to me.

1288. What is his profession?—A paper-hanger: when I see him going along the streets, of course I——

1289. When you saw him going along the street, he being a paper-hanger, of course what?—That is Mr. Hammerton.

Chairman.] Ask him how long he has known Hammerton by sight.

1290. Mr. *James.*] How long have you known Mr. Hammerton by sight?—I dare say these five years.

1291. I understood you to say that you did not know him before you went to Dews?—Now I come to know the man; I never had any dealings with the man, but as soon as I was shown the man, of course I knew him.

1292. As soon as you were shown the man, you knew him; by whom were you shown the man?—I could not say the man who told me it was Hammerton.

1293. There was some one who told you it was Hammerton?—Yes.

1294. Where was that person who told you it was Mr. Hammerton?—I could not exactly say where it was.

1295. And when? I have a reason in getting out your connection with Hammerton. When and where did any person tell you that Hammerton was Hammerton?—If I wanted a house seen to, and properly done and papered, of course I should apply to a man like Hammerton.

1296. Do you think that an answer to my question? When and where were you told that Hammerton was Hammerton?—I cannot tell the time.

1297. Can you tell where it was?—Somewhere close against Park-street.

1298. And some man told you that was Hammerton somewhere close against Park-street?—Yes.

1299. What sort of a man was it?—A big stout man.

1300. Whom you do not know?—No.

1301. And have never seen since?—No.

1302. Upon your oath, have you spoken to Hammerton before to-day?—Yes, I have spoken to him before to-day, but nothing respecting this affair.

1303. Was it about your house?—Nothing respecting this affair; he and I have not spoken two words together over this job.

1304. What have you been speaking to Hammerton about?—Nothing respecting this affair.

1305. He is a stranger to you; what have you been speaking to him about?—Nothing respecting this affair.

1306. What have you been speaking to him about, this stranger to you, Mr. Hammerton?—I never spoke to him respecting this affair.

1307. That is no answer: what was it you did speak to Hammerton about?—Mr. Hammerton never changed any discourse to with me about this.

1308. What have you spoken to Hammerton about?—What have I spoken to Hammerton about? I have asked him before now, as far as you want to understand; and of course I should like you to understand it.

1309. Go on?—Hammerton never changed any discourse with me respecting this affair.

1310. What have you spoken to Hammerton about, or Hammerton to you; you are not benefiting your own friends now; tell me what it was about; I will stop here till you do answer?—What have I spoken to Mr. Hammerton about? I cannot understand it.

1311. What have you spoken to Hammerton about, or what has he spoken to you about?—I never spoke to Hammerton respecting this job.

Mr. *James* appealed to the Chairman to direct the witness to answer the question.

The *Chairman* directed the witness to answer the learned counsel's question.

1312. Mr. *James.*] What have you spoken to Hammerton about, or Hammerton to you?—I never spoke to Hammerton on anything owing to any position in life, or anything else.

1313. That is no answer; what have you spoken to him about?—I never spoke to him at all about anything; nothing at all.

1314. Will you swear that you never spoke to Hammerton in your life?—Never respecting this transaction.

1315. That is the only answer you give me?—I cannot give you another.

1316. You went, as I understand you, and you saw Mr. Minster in the street?—I did.

1317. Did

1317. Did you ask Mr. Minster to get you some work?—I did not.

1318. What did you ask him for?—I asked him for nothing; he asked me first; he called me over the other side of the way, and said, "I want you to be with us."

1319. Was that all he said?—That was all.

1320. Did you tell him that you wished to be employed as a messenger?—No.

1321. Was nothing said about your doing any work, between you and Mr. Minster?—I never did any work.

1322. Was nothing said about your doing any work, between you and Mr. Minster?—I never did any work.

1323. Was anything said, between you and Mr. Minster, about your doing any work?—No, there was not.

1324. Upon your oath?—Yes.

1325. Did you know that certain persons were being employed as messengers?—Not as I am aware of.

1326. Had you not been employed as a messenger by your old friends, the Tories, before?—Not to my recollection.

1327. Will you swear you had not; had you not received money before, from your old friends, for work that you had done?—Yes, I was employed once.

1328. What did you get for your employment?—I was employed three days.

1329. As what?—As a messenger.

1330. What did you get paid?—I had 5*s.* a-day.

1331. You have known messengers, in Coventry, to get 5*s.* a day at an election?—Yes.

1332. Did you ask Mr. Minster to give you a note?—No; I never asked him for anything of the sort.

1333. He did it without your asking?—He did it without my asking.

1334. To take to Mr. Trickett?—Yes.

1335. What did you think that that was for; for a bribe, or to get you employed as a messenger?—I did not exactly understand it.

1336. Did you ask whether you were to be employed as a messenger, or to be bribed?—They told me I was not to do any work.

1337. You took a note to Mr. Trickett; were you told that that was for you to be employed, or to be bribed?—I could not tell what it was for just then.

1338. Upon your oath, were not you told that it was, that you should get employment the same as before?—But I never done any employment.

1339. Upon your oath, were not you told by Mr. Minster you were to take that note in order to get employment as a messenger; I ask you to be careful how you answer that question?—I suppose there was an understanding about it. I was to go and do some work.

1340. Between whom was that understanding?—Between me and Mr. Minster.

1341. Why do you say that there was an understanding; what did Mr. Minster say which causes you to say that there was an understanding that you were to go and do some work?—He said nothing further to me; he gave me a bit of a note.

1342. Why do you say that there was an understanding?—When I got to Mr. Trickett, he said——

1343. You said that you believed there was an understanding between you and Mr. Minster; what causes you to believe that there was an understanding between you?—Because I took the note down.

1344. Do you mean to say that Mr. Trickett said to you, "I do not want you to do any work"?—No; Mr. Trickett did not say so exactly; he told me he did not want us to do anything that day.

1345. Did you not yourself say, "Here is a note for me to be put on the messengers"?—No.

1346. What did you say?—I said nothing; I gave it into his hands, and he looked at it; and he says, "It is all right, I will see to you."

1347. And "I do not want you to do any work to-day"?—Of course.

1348. Did he ask you your name?—No; he had it on a paper.

1349. Did you see him write it down?—I saw Mr. Minster write it down.

1350. Mr. Minster took your name and address?—Yes.

1351. What day was it you got to Mr. Trickett?—I could not say the day.

1352. Four days before the election?—I should say it was over that.

1353. How many days over that?—I could not exactly tell you.

1354. Did you go to any of the ward committee-rooms before the election?—No.

1355. When Mr. Trickett paid you, did he ask you how many days you had worked, and did he say that he was paying you for four days?—He could not ask me that, because I had done no work.

1356. Did he not ask you how many days you had worked, and did not you say that you had worked four?—No, he gave me a sovereign, and that was all.

1357. Five shillings a day for four days would be a sovereign?—He never asked me how many days I worked, and I never told him.

1358. Was any list before Mr. Trickett when you were paid?—No.

1359. You saw no paper?—No.

Re-examined by Mr. *Cook*.

1360. When Mr. Trickett was paying the men, did they go in one after the other as fast as they could?—As I went in there was another man followed me.

1361. You were given a sovereign?—And then I went away.

1362. No questions were asked, and no answers were given?—No.

1363. You say you had known Hammerton by sight; did you ever have any talk with him upon any subject?—Nothing; I never spoke anything to the man respecting anything of this affair.

1364. Never mind this affair; can you charge your memory with having had any talk with him about anything else?—He never had anything to do with me nor me with him; I have never entered into any discourse with the man whatever.

1365. Have you said "good morning," or nodded as you passed him in the street?—Not to my recollection.

1366. You never sat and drank with him, or ate with him?—No.

1367. Nor have you been in his company at any public-house?—I have not.

THOMAS TUSTIN, a deaf and dumb man, was called.

WILLIAM ROE was sworn as Interpreter.

The Witness was sworn by being shown the form of oath, upon which he made an affirmative sign and kissed the book, and his evidence was given by the questions being written on a slate by the interpreter, the Witness writing the answers.

It was agreed between the counsel on each side that it should be taken that the Witness was a freeman of Coventry, and voted at the late election for Mr. Jackson.

T. Tustin.
13 March 1868.

1368. Mr. *Sleigh.*] Do you know Mr. William Trickett and Mr. Marston the pawnbroker?—I know both of them.

1369. Did either of them speak to you about the election a few days before you voted?—No.

1370. Did they speak to you at any time before you voted?—It was their agents or managers.

1371. Name them; who are they?—Mr. Moore in Gas-street for Mr. Trickett; a tailor in Well-street for Mr. Marston; but I do not know the name of the tailor.

1372. After you voted did you get any money from anybody?—Yes.

1373. How much?—Ten shillings from Mr. Trickett, 10*s.* from Mr. Marston, and 5*s.* from Mr. Connop.

1374. Where did you receive the money from Mr. Trickett?—Mr Trickett paid me at Mr. Kelly's, the "Mechanics' Arms;" Mr. Marston paid me at his own shop; Mr. Connop paid me at his own shop.

1375. How soon after the election were you paid at the "Mechanics' Arms;" what night?—It was Thursday evening that Mr. Marston paid me; it was Thursday night at Mr. Kelly's, the "Mechanics' Arms;" it was Friday morning at Mr. Connop's.

1376. Whereabouts in the "Mechanics' Arms;" what part of the room was Mr. Trickett sitting in when you went there?—In the little room next to the big room, where the men were waiting for the money.

Mr. Serjeant *Ballantine* stated that he should not contest the fact that there were not a good many persons employed as messengers, and suggested that it would not be necessary to reiterate that fact through a deaf and dumb witness.

1377. Mr. *Sleigh.*] Were there many persons there at that time waiting to be paid?—I cannot say how many persons, but I should think more than a hundred.

1378. Did you do any work before the election?—No.

1379. Were you asked to do so by any person?—Yes.

1380. By whom, and what kind of work?—Mr. Moore came to my house, and begged me to vote for Mr. Jackson.

1381. Were you asked to do any work besides voting?—Yes.

1382. What?—I wanted work for erranding.

1383. Did you do any erranding?—No.

1384. Where did Mr. Trickett get the money from when he paid you?—I cannot tell.

Cross-examined by Mr. Serjeant *Ballantine.*

1385. Did you not do some writing for Mr. Jackson's party?—No, except Mr. Connop.

1386. Did you write that the reason why you voted for Mr. Jackson was because Mr. Eaton had treated you so badly?—I was obliged to vote for Mr. Jackson, because Mr. Eaton behaved to me very unkind when I was at his warehouse in Old Broad-street, about 2½ years ago.

1387. Did you write to a person named Roe saying that you had done four days' work for Mr. Jackson?

Mr. *James.*] The letter itself can be handed to the Witness.

1388. Mr. Serjeant *Ballantine.*] Is that letter true (*handing a letter to the Witness*)?—Yes, I left the workhouse last Tuesday afternoon, and I went to the "Black Prince" for my coat, and the landlord came to me and asked me if I had got work, and I said, "No;" and I told him I was going to London next day; he asked me to have a glass of ale, and I accepted it, and he made me to write on the letter. He was trying to prevent me from going to London, and told me he would be a good friend; and he said he would give me 2*l.*, and he would take me to London; he told me to stop with him and have some tea.

1389. To *William Roe,* the Interpreter.] Are you the Roe spoken of in this letter?—(*William Roe.*) I expect it is the publican.

1390. To the *Witness.*] What is the name of the landlord of the "Black Prince"?—Johnson.

1391. Is this letter true or false (*handing the witness the letter*)?—It is not true that I did not put four days' work.

1392. I will put the question again; is this letter true, write yes or no?—The letter is true, but I did not put four days' work.

Chairman.] There seems to be some part of the letter which he thinks is incorrect.

Mr. Serjeant *Ballantine.*] Possibly he means, "I did not do four days' work," but in other respects the letter is true.

1393. (To the *Witness.*) Did you write this letter to Mr. Jackson (*handing another letter to the Witness*)?—Yes.

Mr. Serjeant *Ballantine.*] I propose instead of putting question by question, did the witness say this and that, to have the letter read *in extenso.*

Mr. *Cook.*] We have no objection if you put it in.

Mr. Serjeant *Ballantine.*] I do not put it in; suppose it were a witness who could hear, we should be entitled to say, "Did you say so and so?" going through the entire statement; this is a person who cannot make his statement by word of mouth.

Chairman.] He acknowledges writing that letter.

Mr. Serjeant *Ballantine.*] Yes, and I propose to deal with it as if it were a *vivâ voce* examination.

Chairman

Chairman (to Mr. *Cook*).] It would save a great deal of time if you allow it to be put on the notes.

Mr. *Cook*.] We have no objection to its being read.

The same was read as follows:

"No. 1 Courts, No. 5 house,
"Abbott's Lane,
"Coventry, 15th, 1867.

"H M. Jackson, Esq., M.P.

"Esteemed Sir,

"I humbly beg to call your attention to me, that I am a deaf and dumb freeman, and I am very bad off; I would be grateful if you could, through your influence, obtain me a situation in your establishment, at the ship building yard. I lost a good father three-and-a-half years ago, who was found drowned in the Coventry canal, and he was many years a machine clerk at the Coventry canal wharf, and I have no friends left to whom I can look for help. Your kind to this will be esteemed a favour.

"I am
"Your obedient and humble Servant,
"*Thomas Tustin*."

"Deaf and dumb freemen of the city of Coventry, I address you. I am tired of my trade, because I never had regular work; I have been very short of work since my father has been dead, I can assure you; I could not give you my character, because I never was employed by the masters in this town; my father used to keep me as long as he lived; I dare say he has spoilt me when I was young, and so I dare say. I am very anxious to get a situation better than my trade. I was much surprised at the Tories, that they were very vexed about your return, and they are trying to unseat you; they will find fools themselves if they do not mind. You need not to be afraid of them that they will unseat you. I tell you I have been thinking of walking to London to see you, and it made me to think better that I should write to you; I dare say I will never forget you, that I will poll you as long as I live. You saw me that I gave a letter to Mr. Pears when you was with him on the church side. If you come to my house, and you would find me quite poor fellow, and you would find my statement to be true. I beg you very much to send me a word as soon as you can, for I am waiting to go on the road. I believe your noble father could find me a job in his establishment. I tell you I am very anxious to get a situation, because I want to get a good living; I tell you the truth, that I cannot get a good living at my trade about the clothes."

The letter previously handed to the Witness was read as follows:

T. Tustin.
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"The Toryman named Roe came to my house one Sunday morning, and asked me how I polled Jackson, and I told him that I was not satisfied with Mr. Eaton, because he behaved to me very badly when I was in London. I did tell him I had four days' work, and he asked me if I would go with him to Mr. Dewes; and I asked him what for, and he told me that I should tell Mr. Dewes that Mr. Eaton behaved to me badly when we got Mr. Dewes, but Mr. Dewes asked the man many questions for me.

"*Thomas Tustin*."

"The 10th of March 1868."

1394. Did you get anything from Mr. Jackson?—No.

1395. Did you, before the election, convey letters to and for Mr. Jackson?—I do not understand the question.

1396. Were you employed to carry letters to and for Mr. Jackson before the election?—

The *Witness* made a sign, indicating that he did not understand the question.

1397. Were you employed to carry errands for Mr. Jackson before the election?—To take the papers or letters out?

Mr. *Cook*.] Clean the slate and have the question put over again.

Mr. Serjeant *Ballantine* (to the *Interpreter*).] Put the same question over again, if you remember it, and let him give the answer.

The *Interpreter* wrote the following question:

1398. Did you do any errands for Mr. Jackson or Mr. Jackson's agents before the election?—No.

Mr. Serjeant *Ballantine*.] I will myself write the question I wish to ask.

1399. Did you do errands to or for Mr. Jackson before the election?—I never had a bit of work before the election and after.

1400. Did you do errands to or for Mr. Jackson before the election; write "Yes," or "No"?—No.

1401. Did you do writing for Mr. Connop?—I wrote to Mr. Connop what Mr. Brown at the "Market Tavern" said to me.

1402. Did you take a letter to Mr. Jackson when he was with Mr. Pears in the churchyard?—Yes.

Re-examined by Mr. *Cook*.

1403. Was it before or after the election when you gave that letter to Mr. Jackson, and by whom was it written?—Before the election I gave my letter to Mr. Pears in the churchyard; I wrote it to Mr. Pears.

[The Witness was directed to withdraw.

WILLIAM HENRY SHAW, sworn; Examined by Mr. *Cook*.

W. H. Shaw.

1404. I BELIEVE you are a Freeman of Coventry?—Yes.

1405. To what particular branch of trade were you apprenticed?—The weaving trade.

1406. I believe that you have been a voter for many years?—Yes.

1407. And previous to the last election, when you voted for Mr. Jackson, you had voted with the Conservative party, had you not?—No.

1408. Had you known previous to the last time Thomas Hammerton, the paper-hanger?—Yes.

1409. And also a man named Chenie, who

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kept the "Unicorn"?—I do not know that person.

1410. Had you been at the elections previous to the last voting with the Liberal party?—Yes.

1411. You remember Mr. Jackson coming down on the vacancy caused by the death of Mr. Treherne?—Yes.

1412. How soon after the vacancy did Hammerton ask you to vote, or ask you to go anywhere?—He came to me on the Saturday morning previous to the election.

1413. Before the poll?—Yes, on the Saturday.

1414. Did he come to ask you to go anywhere, or to canvass you?—He came to ask me if I would undertake a place on the sub-committee, he could find me two days' work.

1415. What sub-committee was that?—I cannot exactly say where it was; there was a mistake there; I was to have gone with Mr. Chenie, that used to keep the "Unicorn," but it was a mistake, and instead of going there I went to the "Unicorn."

1416. You went to the "Unicorn" instead?—Yes.

1417. Did you find that to be a sub-committee-room for Mr. Jackson?—Yes.

1418. What ward was that for?—Bishop-street Ward.

1419. And did you go there supposing it was a house for Mr. Ferrand?—Yes.

1420. Having known Hammerton previously to be of that party?—Yes.

1421. Did you find that Hammerton had taken you to a Jackson house?—When I got there I found it was different.

1422. And that Hammerton had changed sides?—I found that I was in a different place to where I expected to go to.

1423. Did you find Hammerton acting with the Jackson party in a sub-committee of Mr. Jackson's?—Yes.

1424. You say that this was Saturday?—It was on Saturday he called; it was not Saturday that I was there, it was the Monday.

1425. You went on the Monday?—Yes.

1426. On the Monday, the nomination day, you went to the "Unicorn"?—Yes.

1427. What time of day did you get there?—About half-past seven in the morning.

1428. You were pretty nearly the first, I suppose?—There were some before me.

1429. Did you see a placard there, "Jackson's Committee-room"?—Yes.

1430. Was the committee-room at that place; upstairs or downstairs?—Upstairs.

1431. Had you agreed with Hammerton to go to Mr. Ferrand's committee-room on the Saturday?—I had.

1432. You had agreed to vote for Mr. Ferrand?—Yes.

1433. Did you express any surprise at finding Hammerton come over to your old party?—I was surprised to find that I was in a different climate.

1434. Did you express that surprise to Hammerton?—I did.

1435. What did he say?—He said it was all right.

1436. Did he press you to stop?—He said, "Sit still, you are all right lad."

1437. Did he say that he would see anything done for you?—He said he would see the manager of the ward. I was to keep there sitting, and I should be as right there as anywhere else.

1438. In the course of two or three hours afterwards, did the manager of the ward come?—Yes.

1439. What was his name?—Mr. Marston.

1440. Why did you say he was the ward manager?—I was told that he was.

1441. When Mr. Marston came in, did he bring any paper with him?—Not as I remember.

1442. What did he do; were you introduced to him?—He came to me; he had a paper of names; at least a slip of paper with names upon it, and he called those names over.

1443. Were those the persons already in the room?—Yes, and my name was amongst the lot.

1444. Did he give any directions to any of them?—Yes, he gave directions to all what they were to do.

1445. Tell us something you can recollect; what did he tell anybody to do that you can recollect; what kind of work?—They were messengers and poll-clerks, and all that sort of thing.

1446. He gave directions to the messengers and poll-clerks of that ward; did he give directions to those persons who were messengers and poll-clerks?—Yes.

1447. For their work the next day?—Yes.

1448. Did he nominate you to anything?—Nothing particular at all; he did not appoint any place to me; I was to sit still.

1449. Did you sit still in the room all day?—Not exactly.

1450. The best part of the day?—I did not do any sort of work.

1451. You remained there, and did no sort of work?—No.

1452. That was on the Monday?—That was on the Monday.

1453. Did you go there on the Tuesday, the polling-day?—Yes.

1454. How early did you go on Tuesday?—At seven o'clock.

1455. At what time did you poll?—Something about 11 o'clock in the morning, I think.

1456. What was going on in that room on that polling-day; was Mr. Marston there?—Yes, he was there the principal of the time; he was in and out.

1457. Did other friends of the party in the ward come in and go out?—Yes, several of them.

1458. Were any lists of voters who had polled or not polled brought in?—Yes.

1459. And were the names struck off as they voted?—Yes.

1460. And directions given to look after those who had not voted?—Yes.

1461. And the usual work of an election?—The usual work of an election time, of course.

1462. This was at the "Unicorn"?—Yes.

1463. On the next day, the Wednesday, did you go to Mr. Marston's shop, or on what day did you go?—I think it was on the Thursday.

1464. Were you paid on the Thursday?—Yes.

1465. What passed between you and Mr. Marston when you were paid?—I do not remember anything very particular.

1466. Was anything said about the sum you were to be paid?—He mentioned that he thought it was only one day; I said there were two days engaged, as I thought for, and I received for two days.

1467. What

1467. What did you receive?—Ten shillings.

1468. Had you done any work except voting?—Nothing at all.

1469. As I understand, you were not asked to do any?—No.

1470. Did you notice the "Castle Inn;" were you by the "Castle" during the election?—Yes.

1471. Did you see that placarded, "Jackson's Committee-room"?—Yes.

1472. Did you see the "Red Lion"?—I did not.

1473. Had you refreshments at the "Unicorn" on the Monday?—A little.

1474. Had you your breakfast there?—Yes.

1475. Had you dinner there?—No, not dinner.

1476. What time did you leave in the evening of the Monday?—About seven o'clock.

1477. Perhaps you had a good lunch?—No; we had something before we left, about six o'clock at night.

1478. Not a dinner?—A sandwich and a drop of beer.

1479. Had you breakfast on the Tuesday morning?—I had some breakfast on the Tuesday morning.

1480. Any dinner?—No dinner; there was no dinner allowed that day.

1481. Whatever you had you did not pay for?—No.

Cross-examined by Mr. Serjeant *Ballantine.*

1482. You say that you did nothing but sit in the committee-room?—Yes.

1483. To give it an air of respectability?—I do not know about that.

1484. You were dressed as you are now?—Yes.

1485. Your presence had a good effect there, had not it?—I should say not.

1486. Had you anything to do with looking out the numbers of the voters; did you do nothing whatever?—I did look out as the numbers stood before me, but I had nothing further to do.

1487. What do you mean?—They lay on the table; the register lay upon the table.

1488. Did you do any work at it?—Not anything.

1489. Was not it put before you to do work?—I do not think it was put for that purpose before me.

1490. Will you swear that it was not?—I do not think it was.

1491. Will you swear that it was not?—No, I will not do that; I wish to say the truth.

1492. You had always voted, had you, with the Liberals before this?—Yes.

1493. Had you changed upon this election, or what; had you become sensible of the error of your ways, and were you going to vote Tory?—Very likely I might, if had not turned out as it did.

1494. I suppose you were in the process of conversion towards Conservatism when Hammerton met you; had anything occurred to alter your sentiments in relation to the politics of the day?—Nothing particular.

1495. You thought that Hammerton was a Conservative?—I did.

1496. Why did you go with him?—Because he came and asked me; he asked me if I would undertake these two days for Mr. Ferrand.

1497. He asked you to undertake two days for Mr. Ferrand, and planted you for two days upon the Liberals?—That is where the mistake was.

1498. And if you had had Mr. Ferrand's two days' work, you would have voted for him?—Very likely I might.

1499. Should you?—I might.

1500. Think what your conscience would have been if you had voted for Mr. Ferrand; you never would, would you, for 10*s.*; you do not mean to say that you would have voted for Mr. Ferrand for 10*s.*?—I should not have voted for Mr. Ferrand for the sake of the 10*s.*

1501. Any more than you would have done for Mr. Jackson?—I did not for Mr. Jackson for the sake of the 10*s.*

1502. You had the comfort of following your conscience as well as getting the 10*s.*?—Yes.

1503. You told Mr. Marston that you were engaged for two days?—Yes.

1504. And you had worked two days?—Yes, such as work is at that time.

1505. Did you say you had worked?—No, I did not say I had worked.

1506. Did you say you had not?—I do not remember saying I had not worked.

1507. Hammerton has gone back again, has not he?—Not that I know of.

1508. Can you swear that; do you swear that you do not know that Hammerton has changed again, and that, after his Liberalism, he has become Conservative again now?—I do not know that.

1509. You have seen him here, have not you?—Yes.

1510. With your people?—Yes.

1511. He is upon perfectly kindly terms with your witnesses?—Yes.

1512. In the room with them?—Yes.

1513. And you imagine that he is a Liberal in the middle of the Conservative camp?—I could scarcely say what I think.

Re-examined by Mr. *Cook.*

1514. You have seen a good many of our witnesses belonging to Mr. Jackson's party up here?—Yes.

[The Witness was directed to withdraw.

JAMES WATERHOUSE was called in; and, having been sworn, was Examined by Mr. *Sleigh,* as follows:

1515. YOU are one of the Electors of Coventry?—Yes.

1516. I think in-Spon-street Ward?—Yes.

1517. By the *Committee.*] Are you a freeman?—Yes.

1518. Mr. *Sleigh.*] Do you know a man of the name of Greenway?—No.

1519. Upon the Saturday morning, near the committee-room, in the street, near Mr. Jackson's committee-room, in the Spon-street Ward, did somebody come up and speak to you?—No.

1520. Where was Mr. Jackson's committee-room for Spon-street Ward?—Close against the church.

1521. Was

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1521. Was it at the "Mechanics' Arms"?—It was a private house.

1522. Upon the Saturday morning before the election, upon either the Saturday or a Monday or two before the election, did somebody meet you in the street and speak to you about the election, and as to whom you were going to vote for?—Yes.

1523. Who was that?—I forget his name.

1524. Upon the morning of the election, upon the Tuesday morning, did some person speak to you before you went to poll; did the same person who had spoken to you on the Saturday meet you again and speak to you on the Tuesday morning?—Yes, the same young man.

1525. In consequence of what that person said to you, did you see Mr. Nightingale?—Yes.

1526. You know Mr. Nightingale?—Yes.

1527. What is Mr. Nightingale?—I do not know what he is by profession.

1528. Whereabouts did you meet him on the Tuesday morning?—About half way between the polling-booth, going down Smithfield-street, opposite the barracks.

1529. Had you seen him before about the election?—No, never.

1530. Was any person with him?—No, he was by himself.

1531. Did Mr. Nightingale speak to you?—Yes.

1532. What did he say to you?—He asked if I had voted.

1533. What time was it?—Between nine and 10; before 10.

1534. What did you tell him?—I said I had not.

1535. What did he say to that?—He said, "Come and go along with me then, and I will see you all right."

1536. Did you go along with him?—Yes.

1537. Where did he take you to?—Into Mr. Jackson's committee-room.

1538. Where was that committee-room?—In Spon-street.

1539. Was that a public-house or a private house?—A private house.

1540. The one you spoke of before?—Yes.

1541. Was that placarded "Jackson's Committee-room"?—Yes, there were placards.

1542. To what part of the house did you go?—In the front parlour.

1543. Did you find any gentlemen there?—There were the committee men there.

1544. When Mr. Nightingale took you into the committee-room what occurred then; what did he say?—He asked me if I had a voting card. I said, "Yes, I had got one of Mr. Ferrand's." He says, "You must rip that up;" and he gave me one.

1545. Did you show them the card?—They told me to rip it up, and I did so.

1546. While in the committee-room, did you see a person whom you know of the name of Trickett?—Yes.

1547. Did Mr. Nightingale say anything in your hearing to Mr. Trickett about you?—No.

1548. Did Mr. Trickett speak to you?—No, he did not.

1549. Did you see Mr. Nightingale speaking to Mr. Trickett?—I did.

1550. After Mr. Nightingale went up to Mr. Trickett and said something to him, did Mr. Nightingale come back to you?—Yes.

1551. What did he say to you?—He brought me a polling card, and says, "Come along with me."

1552. What has become of that polling card?—I gave it to Mr. Dews.

1553. One of Mr. Jackson's polling cards?—Yes.

1554. When he gave you the polling card what did he say to you?—He says, "When you have gone and voted, I will give you the money when you come out of the booth."

1555. By the *Committee.*] Who said this to you?—Mr. Nightingale.

1556. Mr. *Sleigh.*] Had any sum been mentioned?—Yes, 5*s.*

1557. Is that the polling card (*handing one of Mr. Jackson's polling cards to the Witness*)?—Yes.

1558. When he said "I will give you the money when you come out of the booth," what did you say to that?—I says, "I cannot do with that; I must have the money first."

1559. What did Mr. Nightingale say to that?—He says, "Go and poll, I will be sure to give you the money." I told him I would not unless I had the money first.

1560. Did he give you the money?—He gave me part of it.

1561. How much did he give you?—Half-a-crown.

1562. And you went to the polling booth?—Yes.

1563. Did he go with you?—Not inside; he was outside.

1564. You went in, but before you went in to poll did Mr. Nightingale say anything to you?—Yes; he says, "If you will act as a man to me I will to you; I will give you half-a-crown before you go in, and when you have voted I will give you the other when you come out."

1565. He went with you to the outside of the booth, and you went in to vote. Just before you went in to vote, did he say anything to you. You had to call out your name, and did he say anything about how you were to do it?—No; he said "I shall listen to hear who you vote for."

1566. Did he ask you to speak out, so that he could hear you?—No, he did not.

1567. When you went in, did you vote?—I did vote.

1568. But you did not vote for Mr. Jackson, after all?—No.

1569. You voted for Mr. Ferrand?—Yes.

1570. After you had voted, you came out and found Mr. Nightingale waiting for you?—Yes.

1571. What took place?—He says, "I did not hear who you voted for," he says, "but I think it is all right; here is the other half-crown."

1572. You took the half-crown?—Yes.

Cross-examined by Mr. Serjeant *Ballantine.*

1573. You got this money upon an entirely false representation, did you; you told a deliberate falsehood, with the view of cheating these people out of this money, to put it in plain terms?—No; I did not say I should vote for Mr. Jackson.

1574. What did you take the money for, then; do not be ashamed?—He offered me the money.

1575. What did you take it for; did you take it with the deliberate intention of cheating him?—Yes.

1576. You

1576. You are not the least ashamed of it?—No.

1577. You would not be ashamed of telling any falsehood?—I did not tell a falsehood.

1578. Not when you took the money?—I did not say I should vote for Mr. Jackson.

1579. You would not be ashamed to cheat anybody in the same way if you were not obliged to speak it?—I did not say that I should vote for Mr. Jackson.

1580. Let me see whether you have not done yourself an injustice. Was not half-a-crown given you to buy bread and cheese, and did not you steal the half-crown; is not that the true story?—No, Mr. Nightingale gave it me.

1581. To buy bread and cheese?—No.

1582. Was it at a private house?—Yes, the committee-room.

1583. Were you not sent out to buy bread and cheese?—No.

1584. Will you swear that?—I swear that.

1585. And you did not steal the half-crown?—No, Mr. Nightingale gave it to me.

1586. Did not they call out, "Bread and cheese" to you, in the town?—No.

1587. Nobody?—No.

1588. Did not you hear anyone say, "How about the bread and cheese"?—No.

1589. This was done very openly?—It was close against the booth where they paid me.

1590. The promise, I mean?—No.

1591. Do you mean that you were taken aside?—Yes.

1592. What became of the jug you took out?—I took no jug out.

1593. A can?—No, nor a can.

1594. Did you go to any public-house after you had left the committee-room?—Yes.

1595. Immediately?—No.

1596. How long after?—An hour after, I dare say.

1597. Where did Mr. Nightingale take you to?—Only into the committee-room.

1598. He took you aside you said just now?—Close against the booth.

1599. Was it there he made the promise?—Going from the committee-room to the booth.

1600. Did you make the first application to him, or he to you?—He to me.

1601. Are you sure about that?—Yes. *J. Waterhouse.*

1602. This was done quite quietly, by Mr. Nightingale?—Yes. 13 March 1868.

1603. Nobody heard it?—No.

1604 Where was it Mr. Nightingale met you?—It was in Smithford-street.

1605. What did they give you on the other side?—Nothing.

1606. Then it was your conscience that led you to vote for Mr. Ferrand?—I voted for the man I thought was best.

1607. After getting half-a-crown?—Yes.

1608. Where are you living now?—In Muchpark-street.

1609. Where were you living then?—In Muchpark-street.

1610. What are you?—A watch-finisher.

1611. Were you in business at this time?—Yes.

1612. Have you been in work ever since?—No, I have been out of work.

1613. Where have you been; have you been in the workhouse?—Yes.

1614. For how long?—Two months.

1615. Are you out of the workhouse now?—Yes.

1616. You came from the workhouse here?—Yes.

1617. Is Hammerton an acquaintance of yours?—No.

1618. You do not know him?—I do not know what you mean by Hammerton.

1619. Thomas?—I never spoke to Thomas Hammerton, to my knowledge.

1620. Do you know him by sight?—Yes.

Re-examined by Mr. *Cook*.

1621. Is there any word of truth in the story of your stealing the half-crown?—No.

1622. Or being sent for bread and cheese?—No.

1623. Do you know Suddens?—Yes.

1624. Was he near the booth when you polled?—Yes.

1625. Was he near when you and Mr. Nightingale were together?—Yes.

[The Witness was directed to withdraw.

JAMES SUDDENS was called in; and, having been sworn, was Examined by Mr. *Cook*, as follows:

1626. WERE you one of the Check Clerks in the polling-booth in Spon-street?—I was a scrutineer. *J. Suddens.*

1627. In the polling-booth, the St. John's booth?—Yes.

1628. Was that the booth where James Waterhouse came to poll?—Yes.

1629. Did you hear James Waterhouse vote?—I did not; I was in another compartment.

1630. Did you see him come up to vote?—Yes.

1631. Did you hear how he voted?—I did not see him, or hear him vote; I was in No. 1 compartment.

1632. Did you see Mr. Nightingale?—I did.

1633. Did Mr. Nightingale come up to you?—He came up to No. 3 compartment to ask how Waterhouse voted.

1634. Did he ask you how Waterhouse voted?—Yes.

1635. Did you tell him?—No.

1636. Did anybody?—Yes, the scrutineers told him that he had voted for Mr. Ferrand.

1637. What did he say to that?—He says "The damned vagabond has sold me."

[The Witness was directed to withdraw.

JOHN WESTWICK was called in; and, having been sworn, was Examined by Mr. *Sleigh*, as follows:

1638. YOU are a Voter of Coventry, and were on the register last year for Spon-street Ward?—Yes. *J. Westwick.*

1639. Do you know Satchell the tailor?—Yes.

1640. Did you see him two or three days before the election?—I saw him on the Friday.

J. Westwick.

13 March 1868.

1641. Did he say anything about putting your name down?—Yes, he called me on one side, and asked me how many days I wanted, and he said he could put me down for four.

1642. Did you go on the Tuesday morning to any of the houses where they were having refreshments?—Yes.

1643. Where was that?—In the "William the Fourth."

1644. What street is that in?—In Spon-street.

1645. Was that house placarded at all with Mr. Jackson's placards?—I do not understand you.

1646. Was the "William the Fourth" placarded with bills of Mr. Jackson's committee?—Yes.

1647. Did you meet any other people there whom you knew; Coventry people and voters?—Yes.

1648. Did you find anything to eat and drink there?—Yes.

1649. Plenty?—I had as much as I required.

1650. Meat and bread, and something to drink I hope?—Yes.

1651. Did you see the other people doing the same?—There was only me and another up at the time.

1652. How long did you stay there?—Not about 20 minutes.

1653. Who was the other person who was having something likewise?—A man named Carpenter.

1654. Is he a voter. When you and Carpenter had as much as you required, what did you do; did you go away from the house?—Yes, we went away from the house.

1655. Did you poll?—I did.

1656. You voted for Mr. Jackson?—Yes.

1657. After the election did you receive any money?—Yes.

1658. How much did you receive?—Ten shillings.

1659. Where did you receive that amount?—In Mr. Henry Brown's

1660. Where was it he gave it to you?—In his own public-house.

1661. What is the name of it?—I am sure I cannot say the name.

1662. It is the house he keeps?—Yes.

1663. Did you go alone, or were any other voters with you?—I went alone.

1664. How was this 10*s.* given to you; was it a half sovereign?—Yes.

1665. Did you make any objection with respect to its being only half a sovereign that was given you?—I did.

1666. What did Brown say about that?—He said he could not give me any more.

1667. From the time that Satchell told you you should be put down for four days to the time when you voted, or till the time you got this 10*s.*, did you do any work?—No.

1668. Or did anybody ask you to do any?—No.

1669. By the *Committee.*] You say you were asked how many days' work, and he said he could put you down for four; did you expect to lose four?—I lost above four.

1670. Did you expect to lose four?—Yes.

[The Witness was directed to withdraw.

Mr. *Cook* stated that having watched the nature of the cross-examination of the witnesses, he did not think that it would be of any use to produce witness after witness to prove the same things, and as he could pretty well see the nature of the case which the other side would attempt to make, he did not propose to go any further with the Petitioner's case, though he had other witnesses to call.

[Adjourned to To-morrow, at Eleven o'clock.

COVENTRY ELECTION.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

COVENTRY ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1867-8.)

Ordered, by The House of Commons, *to be Printed,*
24 *March* 1868.

165.

Under 8 *oz.*

Brought from the Lords, 22 June 1868.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON

ECCLESIASTICAL TITLES

IN

GREAT BRITAIN AND IRELAND;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
23 *June* 1868.

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REPORT.

BY THE SELECT COMMITTEE appointed to inquire into the Operation of any Law or Laws as to the Assumption of Ecclesiastical Titles in Great Britain and Ireland; and whether any and what Alteration should be made therein; and to Report to the House:—

ORDERED TO REPORT,

The Committee, in pursuance of the task entrusted to them, have examined several witnesses, and carefully considered the evidence given on the same subject before the Committee of the House of Commons last year, and now on the Table of the House.

The enactments referred to the Committee are the 14 Vict. c. 60 (the Ecclesiastical Titles Act), passed in 1851, and Section 24 of the Act 10 Geo. 4, c. 7 (the Roman Catholic Relief Act), passed in 1829. Looking to the joint operation of these Acts, it does not appear to the Committee that they have in fact, as has sometimes been supposed, caused to the Roman Catholics any real injury in the matter of charitable donations and bequests. They may have given rise to the necessity of circumlocution in the legal deeds requisite on such occasions, but the Committee have not found any instance where the wishes of the donor or testator have failed to be fulfilled. Cases, however, have been adduced as of possible occurrence in which grievances of this kind might hereafter be actually experienced.*

* Evidence of Bishop Grant, Questions 433 and the next following.

While the Roman Catholic Relief Act gave general satisfaction, and Roman Catholic Archbishops and Bishops, although forbidden to use the titles of their sees, sat on the Irish Board of National Education, it is alleged by several witnesses of great weight and authority on the Roman Catholic side, and not, so far as the Committee know, denied in any quarter, that the Ecclesiastical Titles Act has given rise to great dissatisfaction in the Roman Catholic body, by no means confined to the prelates and priests of the Roman Catholic Church, but extending to the laymen of their communion. That dissatisfaction, it is stated, has not passed away with the lapse of time since the enactment of 1851, but is still keenly felt.† In Ireland it has had the effect of alienating the heads of the Roman Catholic Church from Her Majesty's Government.

† Sir Colman O'Loghlen, Questions 564 and following.

The Committee, have therefore, particularly inquired into the provisions of the latter Act. They find that the first clause declares and enacts that which has always been common law, and asserted to be so and confirmed by statute from a very early period. This is particularly set forth in the 16 Richard 2, c. 5, passed in 1392, nearly 500 years ago. The preamble to that Act, among other matters, sets forth that, "Whereas the Commons of the Realm in "this present Parliament have showed to our redoubted Lord the King, "grievously complaining that whereas our said Lord the King, and all his "liege people ought of right, and of old time were wont, to sue in the King's "Court to recover their presentments to churches to which they had a "right to present, the cognisance of the plea of which presentment belongeth "only to the King's Court of the old right of his Crown, used and approved "in the time of all his progenitors Kings of England; but now of late divers "processes be made by the Holy Father the Pope, and censures of excom-"munication upon certain Bishops of England, because they have made

" execution of such commandments to the open disherison of the said Crown, " and destruction of the regalty of our said Lord the King, his law and all his " realm, if remedy be not provided; and also it is said that the said Holy " Father the Pope hath ordained and purposed to translate some prelates of " the same realm, without the King's assent and knowledge, by which trans- " lations, if they should be suffered, the statutes of the realm should be " defeated and made void, and so the Crown of England, which hath been so " free at all times, that it hath been in no earthly subjection, but immediately " subject to God in all things touching the regalty of the Crown, and to none " other, should be submitted to the Pope, and the laws and statutes of the " realm by him defeated and avoided at his will, in perpetual destruction of " the sovereignty of the King our Lord, his Crown, his regalty, and of all his " realm, which God defend."

In accordance with the principles thus declared, the Act provides that, " If " any purchase or pursue, or cause to be purchased or pursued in the Court of " Rome or elsewhere any such translations, processes, sentences of excommuni- " cation, bulls, instruments or any other things whatever which touch the King, " against him, his Crown, and his regalty or his realm as is aforesaid, and they " which being within the realm, or there receive or make thereof notification or " any other execution whatsoever within the same realm or without, that they, " their notaries, procurators, maintainers and abettors, fautors and counsellors, " shall be put out of the King's protection, and their lands and tenements, " goods and chattels forfeit to our Lord the King, and that they be attached by " their bodies, if they may be found and brought before the King and his " Council there to answer to the cases aforesaid, or that process be made against " them by *præmunire facias* in manner as is ordained in other statutes of pro- " visors and against others which do sue in any other court in derogation of the " regalty of our Lord the King."

The next statute the Committee desire to notice, is the 28 Hen. 8, c. 16, on account of its referring to, and thereby confirming and continuing, the Act of Richard the Second. It enacts, "That all bulls, breves, faculties, and dispensa- " tions, of what names, natures, or qualities whatsoever they be of, heretofore " had or obtained from the Bishop of Rome, or any of his predecessors, or by the " authority of the See of Rome, by or to any subjects, resiants, or bodies politic " or corporate, of or in this realm, or of or in any other the King's dominions, " shall from thenceforth be clearly void and of no value, force, strength, nor virtue, " and shall never hereafter be used, admitted, allowed, pleaded, or alleged in " any places or courts of this realm, or of any other the King's dominions upon " the pains contained in the Statute of Provision and Præmunire, made in the " sixteenth year of the Reign of King Richard the Second."

This Act, passed in 1536, was repealed in 1554, 1 Philip and Mary, c. 8, and revived in 1558 by 1 Elizabeth, c. 1. It therefore appears that the first section of the Ecclesiastical Titles Act, which only provides that "All such " briefs, rescripts, or letters apostolical, and all and every the jurisdiction, autho- " rity, pre-eminence, or title conferred, or pretended to be conferred thereby, " are, and shall be and be deemed unlawful and void," does no more than declare and assert that which was law before that Act was added to the Statute Book. The Ecclesiastical Titles Act was considered by Parliament to be a measure not of aggression but of defence. The Pope had assumed to divide England by his own authority into dioceses, over each of which he placed an Archbishop or Bishop, with a Territorial Jurisdiction, and an Ecclesiastical Title, derived from some place within Her Majesty's dominions. This excited great indignation in the country, and in Parliament, through which the Bill was passed by large majorities.

No attempt has been made to enforce the prohibitions or to levy the penalties under the section of the Act of 1829, or under the Act of 1851.

The Committee, however, are not of opinion that these enactments, and more especially the Act of 1851, have been ineffectual: they were a plain and emphatic assertion by the Legislature of the constitutional authority and supremacy of the Sovereign, and there has not since 1851 been any general or ostentatious infraction of the enactment of that year by those against whom it was directed.

It has been suggested, that the object of the Act of 1851 would have been sufficiently attained by a simple declaration of the invalidity of any assumption

of

of ecclesiastical titles of honour, or of any attempt to confer coercive jurisdiction otherwise than under the authority of Her Majesty, and according to the laws of the realm, unaccompanied by the enactment of any penalties. But the Committee are of opinion that while a mere repeal of the section of the Act of 1829 and of the Act of 1851, would be open to misconstruction, and therefore inexpedient, any advantage to be gained by a modification of those enactments in the manner above indicated, would be more than counterbalanced by the evil of re-opening, without any sufficient cause, the discussion of a question always calculated to occasion much irritation of feeling.

The Committee have directed the Minutes of Evidence taken before them, together with an Appendix, to be laid before your Lordships.

16th June 1868.

ORDER OF REFERENCE.

Die Jovis, 26° *Martii*, 1868.

ECCLESIASTICAL TITLES IN GREAT BRITAIN AND IRELAND.

Moved, "That a Select Committee be appointed to inquire into the operation of any "Law or Laws as to the assumption of Ecclesiastical Titles in Great Britain and Ireland; "and whether any and what Alteration should be made therein:" Objected to; and after Debate, on Question, Agreed to: (The Earl Stanhope).

Die Veneris, 27° *Martii*, 1868.

Select Committee, to be named on Monday next.

Die Lunæ, 30° *Martii*, 1868.

Select Committee on: "The Lords following were named of the Committee; the "Committee to meet To-morrow, at Four o'clock, and to appoint their own Chairman:"

Lord Chancellor.
Lord Archbishop of York.
Lord Privy Seal.
Duke of Somerset.
Earl Stanhope.
Earl of Carnarvon.
Earl of Harrowby.
Earl Granville.
Earl Russell.
Lord Bishop of London.
Lord Bishop of Oxford.
Lord Redesdale.
Lord Colchester.
Lord Somerhill.
Lord Lyveden.

Die Veneris, 3° *Aprilis*, 1868.

"The Evidence taken from Time to Time before the Select Committee to be Printed for "the Use of the Members of this House, but no Copies thereof to be delivered, except "to the Members of the Committee, until further Order."

LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT EACH SITTING OF THE COMMITTEE.

Die Martis, 31° *Martii*, 1868.

LORDS PRESENT:

Lord Chancellor.	Earl Russell.
Earl Stanhope.	Lord Redesdale.
Earl of Carnarvon.	Lord Colchester.
Earl of Harrowby.	Lord Lyveden.

Order of Reference read.

It is proposed that the Earl *Stanhope* do take the Chair.

The same is agreed to, and the Earl *Stanhope* takes the Chair accordingly.

The course of proceeding is considered.

Ordered, That the Committee be adjourned till Friday the 24th of April, One o'clock.

Die Veneris, 24° *Aprilis*, 1868.

LORDS PRESENT:

Lord Chancellor.	Earl Granville.
Lord Archbishop of York.	Earl Russell.
Lord Privy Seal.	Lord Bishop of London.
Duke of Somerset.	Lord Redesdale.
Earl Stanhope.	Lord Colchester.
Earl of Harrowby.	Lord Lyveden.

The Earl STANHOPE in the Chair.

Order of adjournment read.

Order of the House of Friday the 3rd of April last, that the evidence taken from time to time before the Select Committee be printed for the use of the Members of this House, but that no copies thereof be delivered, except to the Members of the Committee, until further order, read.

The Proceedings of the Committee of Tuesday the 31st of March last, are read.

The following Witnesses are called in and examined (*vide* the Evidence), viz.: Mr. *William Gernon*, Lord Justice *Page Wood*.

Ordered, That the Committee be adjourned till Tuesday next, One o'clock.

Die Martis, 28° *Aprilis*, 1868.

LORDS PRESENT:

Lord Archbishop of York.	Earl Granville.
Lord Privy Seal.	Lord Bishop of London.
Duke of Somerset.	Lord Redesdale.
Earl Stanhope.	Lord Colchester.
Earl of Carnarvon.	Lord Somerhill.
Earl of Harrowby.	Lord Lyveden.

The Earl STANHOPE in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Friday last are read.

The following Witnesses are called in and examined (*vide* the Evidence), viz.: Sir *Travers Twiss*, D.C.L.; Right Hon. Sir *Joseph Napier*, Bart.; Mr. *John Thomas Ball*, LL.D.; Mr. *William Gernon*.

Ordered, That the Committee be adjourned till Tuesday next, One o'clock.

Die Martis, 5° *Maii*, 1868.

LORDS PRESENT:

Lord Archbishop of York.	Lord Bishop of London.
Lord Privy Seal.	Lord Bishop of Oxford.
Duke of Somerset.	Lord Redesdale.
Earl Stanhope.	Lord Colchester.
Earl of Carnarvon.	Lord Somerhill.
Earl of Harrowby.	Lord Lyveden.
Earl Granville.	

The Earl STANHOPE in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are called in and examined (*vide* the Evidence), viz.: Right Rev. Bishop *Grant*; Sir *Colman O'Loghlen*, Bart., M.P.

Ordered, That the Committee be adjourned till Tuesday next, One o'clock.

Die Martis, 12° *Maii*, 1868.

LORDS PRESENT:

Lord Archbishop of York.	Earl Granville.
Lord Privy Seal.	Lord Bishop of London.
Duke of Somerset.	Lord Redesdale.
Earl Stanhope.	Lord Colchester.
Earl of Carnarvon.	Lord Somerhill.
Earl of Harrowby.	Lord Lyveden.

The Earl STANHOPE in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are called in, and examined (*vide* the Evidence), viz. Rev. *James Aitken Wylie*, LL.D; Rev *Robert James M^c Ghie*.

Ordered, That the Committee be adjourned till Tuesday next, One o'clock.

Die Martis, 19° Maii, 1868.

LORDS PRESENT:

Lord Chancellor.	Earl Granville.
Lord Archbishop of York.	Earl Russell.
Lord Privy Seal.	Lord Bishop of London.
Duke of Somerset.	Lord Redesdale.
Earl Stanhope.	Lord Colchester.
Earl of Carnarvon	Lord Somerhill.
Earl of Harrowby.	Lord Lyveden.

The Earl STANHOPE in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The Committee deliberated, and, upon the Motion of the Lord *Archbishop of York*, decided not to take any further Evidence.

THE Draft of a Report prepared by the Chairman, the Draft of a Report prepared by the Lord Redesdale, and the Draft of the Report prepared by the Chairman, with Amendments proposed to be inserted in it by the Earl Russell, are severally laid before the Committee by the Chairman:—The same are read, and are as follows; viz.

DRAFT REPORT proposed by the Chairman.

"1. The Committee, in pursuance of the task entrusted to them, have examined several witnesses, and carefully considered the other evidence which was adduced before the Committee of the House of Commons last year, and which is now on the Table of the House.

"2. The two Acts or parts of Acts referred to the Committee are the 14 Vict. c. 60 (the Ecclesiastical Titles Act), and Section 24 of the Act 10 Geo. 4, c. 7 (the Roman Catholic Relief Act). Looking to the joint operation of these Acts, it does not appear to the Committee that they have in fact, as has sometimes been supposed, caused to the Roman Catholics any real injury in the matter of charitable donations and bequests. They may have given rise to the necessity of cumbrous circumlocution in the legal deeds requisite on such occasions, but the Committee have not found any instance where the wishes of the donor or testator have failed to be fulfilled. Cases, however, have been adduced as of possible occurrence in which grievances of this kind might hereafter be actually experienced.*

* Evidence of Bishop Grant, Questions 433 and the next following.

"3. On the other hand, it is alleged by several witnesses of great weight and authority on the Roman Catholic side, and not, so far as the Committee know, denied in any quarter, that these Acts have given rise to very great dissatisfaction and sense of injury in the Roman Catholic body. That dissatisfaction is stated to be by no means confined to the prelates and priests of the Roman Catholic Church, but to extend equally to the laymen of their communion. That dissatisfaction is stated to have by no means passed away with the lapse of time since the enactment of 1851, but to be felt at this moment almost as keenly as at first.† In Ireland it has had the evil effect of completely alienating the heads of the Roman Catholic Church from the heads of Her Majesty's Government. 'Since the passing of the Ecclesiastical Titles Act, the bishops,' as one of their own number states, 'think that it is their duty, or becoming their station, to keep themselves altogether apart from any official connection or communication with the Government of the country.'‡ In like manner it is stated by the same authority, that whilst in former years several Roman Catholic bishops sat, greatly to the public advantage and contentment, on the Board of National Education, no such bishop at the present day would accept a seat on that Board.

† Sir Colman O'Loghlen, Questions 564 and following.

"4. Neither under the section of the Act of 1829, nor under the Act of 1851, has the smallest attempt been made to enforce the prohibitions or to levy the penalties which they impose. Under such circumstances, the Committee must confess themselves unable to discern how the retention of these prohibitions and penalties upon the Statute Book can be held to afford any security to any of our Protestant institutions.

"5. The opinion of the Committee upon this point is confirmed by that of laymen of great weight and authority among the Protestants of Ireland, as especially the Right Hon. Sir Joseph Napier, lately Member for the University of Dublin, and Dr. Ball, Vicar General of the Province of Armagh.§

§ Questions 317. 321, 322, &c.; also Questions 363 and 364.

"6. It

‡ Bishop Moriarty, before the Commons Committee, Questions 707, &c. *See* also Sir Colman O'Loghlen, before this Committee, Question 557.

"6. It appears also to the Committee no inconsiderable evil that any law should be continued when its enactments are systematically disregarded, and where it is understood that they are never to be carried into practical effect.

"7. The Committee think, however, that a mere repeal of these two Acts, unaccompanied by any other provision, as has sometimes been proposed, would not be sufficient nor satisfactory. They conceive that any such repeal should be accompanied by a declaration in the clearest terms of the Queen's undoubted prerogative as the Fountain of Honour, as by right the sole dispenser of territorial titles within her own dominions.

"8. With this object the Committee desire to call the attention of the House to the Canadian Act, bearing date 30th May 1849, and printed at length in the Appendix to the Report of the House of Commons Committee of last year. It is entitled 'An Act to incorporate the Roman Catholic Archbishop and Bishops in each Diocese of Lower Canada;' and having been ratified by Parliament, it is now the 12 Vict. c. 186. This Act, while it recognizes the territorial titles of these prelates, as for instance 'The Right Reverend Joseph Signay, Roman Catholic Archbishop of Quebec,' or 'The said Joseph Signay and his successors, being Archbishop of Quebec aforesaid, in communion with the Church of Rome,' contains the following clause:

"'And be it enacted that nothing herein contained shall affect, or be construed to affect, in any manner or way the rights of Her Majesty, Her heirs or successors, or of any person or persons, or of any body politic or corporate, such only excepted as are hereinbefore mentioned and provided for.'

"9. It has been stated to the Committee, by high authority upon the Roman Catholic side, that a Clause of similar import in any Bill to repeal the two statutes that are now complained of, would be considered free from all objection and 'perfectly satisfactory.'*

* Sir Colman O'Loghlen, Questions 605 and 606.

"10. The Committee are further of opinion that in such a repealing Act as they have described, there should be another clause, fixing for purposes of legal description the proper mode of designation applicable to Roman Catholic Prelates.

"11. Several forms for such designation that seem free from difficulty might be suggested. A witness of considerable weight, the Right Hon. Mr. Justice O'Hagan, in his evidence before the House of Commons Committee, referred to the Canadian precedent, as naming *A. B.*, Archbishop of Quebec, in communion with the Church of Rome, and he added: 'I see no objection on my own part to some such designation; and for my own part, as a Catholic, I have no objection to be described, or have a bishop described, as a 'Roman Catholic,' that is, a member of the one Church Catholic in communion with the Holy See.'†

† Report of Commons Committee, Question 61.

"12. Sir Colman O'Loghlen, as a witness before the present Committee, concurred in approving the form contained in the Canadian Act, as '*A. B.*, Archbishop of Quebec, in communion with the Church of Rome,' and added only: 'If I had been drawing the Act I would have put in 'with the See of Rome;' but that is a mere technical objection, and I do not think that anybody would object to it.'" Question 587.

DRAFT REPORT proposed by the Lord *Redesdale*.

"The Committee, in pursuance of the task entrusted to them, have examined several witnesses, and carefully considered the evidence which was adduced before the Committee of the House of Commons last year on the same subject, and which is now on the Table of the House.

"The enactments referred to the Committee are 14 Vict. c. 60, and Section 24 of 10 Geo. 4, c. 7. Looking at the operation of these laws, the Committee are unable to discover that they have caused any real injury to Roman Catholics in the matter of charitable donations and bequests, as has sometimes been supposed, or have prevented the wishes of a donor or testator being fulfilled. On the other hand, it appears that though little objection was expressed or felt by the Roman Catholics to the before-mentioned provision of the Act of George 4, at the time of its passing, the irritation caused by the introduction of the Ecclesiastical Titles Act has led to much agitation, and to both being now regarded with dissatisfaction by that body.

"The Committee have therefore particularly inquired into the provisions of the latter Act so much complained of. They find that the first clause declares and enacts that which has always been common law, and asserted to be so and confirmed by statute from a very early period. This is particularly set forth in the 16th Richard 2, c. 5, passed in 1392, nearly 500 years ago. The preamble to that Act, among other matters, sets forth that 'Whereas the Commons of the Realm in this present Parliament have showed to 'our redoubted Lord the King, grievously complaining that whereas our said Lord the 'King, and all his liege people ought of right, and of old time were wont, to sue in 'the King's Court to recover their presentments to churches to which they had a right 'to present, the cognizance of the plea of which presentment belongeth only to the 'King's

'King's Court of the old right of his Crown, used and approved in the time of all his 'progenitors Kings of England; but now of late divers processes be made by the Holy 'Father the Pope, and censures of excommunication upon certain Bishops of England, 'because they have made execution of such commandments to the open disherison of the 'said Crown, and destruction of the regalty of our said Lord the King, his law and all 'his realm, if remedy be not provided; and also it is said that the said Holy Father 'the Pope hath ordained and purposed to translate some prelates of the same realm, 'without the King's assent and knowledge, by which translations, if they should be 'suffered, the statutes of the realm should be defeated and made void, and so the Crown 'of England which has been so free at all times, that it hath been in no earthly subjection, 'but immediately subject to God in all things touching the regalty of the Crown, and to 'none other, should be submitted to the Pope, and the laws and statutes of the realm 'by him defeated and avoided at his will, in perpetual destruction of the sovereignty 'of the King, our Lord, his Crown, his regalty and of all his realm, which God defend.'

"In accordance with the principles thus declared, the Act provides that, 'If any pur-'chase or pursue, or cause to be purchased or pursued in the Court of Rome or elsewhere 'any such translations, processes, sentences of excommunication, bulls, instruments or 'any other things whatever which touch the King, against him, his Crown, and his 'regalty or his realm as is aforesaid, and they which being within the realm, or there 'receive or make thereof notification or any other execution whatsoever within the same 'realm or without, that they, their notaries, procurators, maintainers and abettors, fautors 'and counsellors, shall be put out of the King's protection, and their lands and tenements, 'goods and chattels forfeit to our Lord the King, and that they be attached by their 'bodies, if they may be found and brought before the King and his Council there to 'answer to the cases aforesaid, or that process be made against them by *præmunire facias* 'in manner as is ordained in other statutes of provisors and against others which do sue in 'any other court in derogation of the regalty of our Lord the King.'

"The Committee desire to direct the attention of the House to this statute as affording clear evidence that the first clause of the Act of 1851 did not introduce any novelty into the legislation of this country, and that what was therein declared to be the law, did not originate in Protestant hostility to Romanism, but was based on the fundamental principles of the Constitution.

"The next statute the Committee desire to notice, is the 28 Hen. 8, c. 16, which enacts, 'That all bulls, breves, faculties, and dispensations, of what names, natures, or qualities 'whatsoever they be of, heretofore had or obtained from the Bishop of Rome, or any of 'his predecessors, or by the authority of the See of Rome, by or to any subjects, resiants, 'or bodies politic or corporate, of or in this realm, or of or in any other the King's domi-'nions, shall from thenceforth be clearly void and of no value, force, strength, nor virtue, 'and shall never hereafter be used, admitted, allowed, pleaded, or alleged in any places or 'courts of this realm, or of any other the King's dominions upon the pains contained in 'the Statute of Provision and Præmunire, made in the sixteenth year of the Reign of 'King Richard the Second.'

"This Act, passed in 1536, was repealed in 1554, 1 Philip & Mary, c. 8, and revived in 1558 by 1 Elizabeth, c. 1. It is therefore clear that the first section of the Ecclesiastical Titles Act, which only provides that 'All such briefs, rescripts, or letters apostolical, 'and all and every the jurisdiction, authority, pre-eminence, or title conferred, or pre-'tended to be conferred thereby, are and shall be and be deemed unlawful and void,' does no more than declare and assert that which was law both by ancient usage and a succession of Parliamentary enactments, before that Act was added to the Statute Book.

"The Committee are of opinion that the principle maintained by these Acts is most important, and they object therefore to the repeal of that section; for although the law would probably remain unaltered, notwithstanding such repeal, an impression would undoubtedly be created that the principle had been abandoned by such a course, and an excuse afforded for holding that the repeal of the latest enactment on the subject had indirectly but virtually abrogated the preceding ones. Much mischief may arise from such opinions being industriously advocated by Roman ecclesiastical authority, and consequences ensue which might render a new assertion of the Royal Prerogative necessary at no distant date; and it appears therefore to the Committee desirable to retain that portion of the Act which only re-asserts the law as it has existed from very early times, when the State was in communion with Rome, and which can afford no just cause of offence. By adopting this course, the risk of future agitation and ill-will, which would necessarily attend any new legislation of a similar character, may be most surely avoided.

"The Committee are disposed to recommend that the second clause, which enacts the penalty, should be repealed. It carefully provides that no prosecution shall be had under it without the concurrence of the Attorney General, and the Roman Catholic prelates have been and are thereby secured from any vexatious proceedings against them which their conduct did not call for, but it does not appear necessary for the maintenance of the rights of the Crown, or the security of the Church. So long as the creation of dioceses in these realms by the Pope is declared to be contrary to law, and void, the power to inflict such a penalty is of little value, while the repeal of it will be gratifying to the Roman Catholic body, lay and ecclesiastical. The opinion of the Committee on this point is confirmed by the evidence of several Protestant witnesses of great weight and authority.

The repeal of the penalty in the 24th section of the Roman Catholic Relief Act is recommended for the same reasons.

" Various suggestions have been made to the Committee for giving a legal designation to Roman Catholic Prelates, but they cannot advise legislation on that subject. The recognition by statute of Roman Catholic prelates as bishops of any district or place will be held to be an admission that such dioceses have been created, and are subjected to such bishops. The only designation the Committee could recommend would be that of Roman Catholic bishops in, and not of, a particular district or place; but they believe that any such title would not be acceptable to the Roman Ecclesiastics, as it would not afford any acknowledgment of that jurisdiction which it is their object to establish in this realm. Bishop Grant, the only Roman Catholic prelate who was examined by the Committee, was unfavourable to the adoption of a legal designation of a distinctive character, and the Committee are of opinion that it will be far better to leave such a delicate matter alone than to deal with it in any manner which is not likely to be perfectly satisfactory. They cannot expect such to be the result of any of the suggestions made to them, and are satisfied that any such designations would not be thankfully received by the prelates of the Roman Catholic Church, would not be commonly used by them, and would be far more likely to prove a source of future agitation than a permanent settlement of the question."

Draft Report of the Chairman, with Amendments proposed by the Earl Russell. (The proposed Amendments are printed in *Italics.*)

" The Committee, in pursuance of the task entrusted to them, have examined several witnesses, and carefully considered the other evidence which was adduced before the Committee of the House of Commons last year, and which is now on the Table of the House.

" The two Acts or parts of Acts referred to the Committee are the 14 Viet. c. 60 (the Ecclesiastical Titles Act), and section 24 of the Act 10 Geo. 4, c. 7 (the Roman Catholic Relief Act). Looking to the joint operation of these Acts, it does not appear to the Committee that they have in fact, as has sometimes been supposed, caused to the Roman Catholics any real injury in the matter of charitable donations and bequests. They may have given rise to the necessity of cumbrous circumlocution in the legal deeds requisite on such occasions, but the Committee have not found any instance where the wishes of the donor or testator have failed to be fulfilled. Cases, however, have been adduced as of possible occurrence, in which grievances of this kind might hereafter be actually experienced.*

" *On the other hand, it appears that while the Roman Catholic Relief Act gave general satisfaction, and that although forbidden to use the titles of their sees, Roman Catholic Archbishops and Bishops sat on the Irish Board of National Education, such as Archbishop Murray and others,* it is alleged by several witnesses of great weight and authority on the Roman Catholic side, and not, so far as the Committee know, denied in any quarter, that *the Ecclesiastical Titles Act gave* (these Acts have given) rise to very great dissatisfaction and sense of injury in the Roman Catholic body. That dissatisfaction is stated to be by no means confined to the prelates and priests of the Roman Catholic Church, but to extend equally to the laymen of their communion. That dissatisfaction is stated to have by no means passed away with the lapse of time since the enactment of 1851, but to be felt at this moment almost as keenly as at first.† In Ireland it has had the evil effect of completely alienating the heads of the Roman Catholic Church from the heads of Her Majesty's Government. ' Since the passing of the Ecclesiastical Titles Act, the bishops,' as one of their own number states, ' think that it is their duty, or becoming their station, ' to keep themselves altogether apart from any official connection or communication with ' the Government of the country.'‡ In like manner it is stated by the same authority, that whilst in former years several Roman Catholic bishops sat, greatly to the public advantage and contentment, on the Board of National Education, no such bishop at the present day would accept a seat on that Board.

" *It must be remembered, however, that the Ecclesiastical Titles Act was an act on the part of Parliament, not of aggression, but of defence. It had pleased the Pope, of his own authority, without any previous communication with the Government of this country, to divide England into districts, over each of which he placed an Archbishop or Bishop with an Ecclesiastical title.*

" *This apparent assumption of a territorial power excited great popular indignation and a very general uneasiness. It had no warrant in the most ancient documents of the Christian Church at Rome, nor in the statutes of the realm previously to the Reformation, nor in the laws of the most civilised Roman Catholic States of Europe.*

' ' *Thus the Epistle of St. Clement, one of the earliest Popes, to the Church at Corinth, commences thus:*

" ' *Dei Ecclesia quæ Roma peregrinatur, Ecclesiæ Dei quæ Corinthi peregrinatur, &c.*'§

" *So*

* Evidence of Bishop Grant, Questions 433 and the next following.

† Sir Colman O'Loghlen, Questions 564 and following.

‡ Bishop Moriarty, before the Commons Committee, Questions 707, &c. *See* also Sir Colman O'Loghlen, before this Committee, Question 557.

§ Jacobson, Patres Apostolici, vol. 1.

" So likewise the famous Epistle of the Church of Smyrna, relating the Martyrdom of St. Polycarp, begins thus :

*" 'Ecclesia Dei quæ est apud Smyrnam, Ecclesiis Dei salutem, &c.'**

" Such was the plain language of the early Christian Churches.

" In the history of the English Church before the Reformation, we find a steady resistance to the encroachments of the Papal See. Queen Mary also, when she reconciled England to the Church of Rome, never proposed to repeal those Acts of the English Parliament which existed before the reign of her father ; they are, however, said to be now obsolete.

" In a similar spirit, the principal Roman Catholic States of Europe have forbidden the introduction and circulation of Papal Bulls of a certain description without the sanction of the civil authority. The Pope would never dream of restoring in France the Episcopal titles which existed before the Revolution.

" Neither under the section of the Act of 1829, nor under the Act of 1851, has the smallest attempt been made to enforce the prohibitions or to levy the penalties which they impose.

" In fact, there appears to have been no such ostentatious assumption of Ecclesiastical Titles as the Act was intended to restrain. The Roman Catholic Archbishops and Bishops, both in England and Ireland, have respectfully abstained from any open defiance of the authority of Parliament.

" With a view, however, to conciliate irritated feelings, and contribute to religious harmony, your Committee venture to suggest that an enacting Act might be passed, giving Her Majesty the power to declare, by Orders in Council, that a Roman Catholic Archbishop or Bishop in England or Ireland may assume and use the title of the Most Rev. (inserting the name of the Prelate), Roman Catholic Archbishop of Westminster, the Most Rev. (inserting the name of the Prelate), Roman Catholic Archbishop of Dublin, and so on with regard to Roman Catholic Archbishops and Bishops of any place in England or Ireland, and enacting that no disability or penalty shall attach to the use of titles thus authorised by Her Majesty in Council.

Note.—The remaining paragraphs of the Chairman's Draft Report proposed to be omitted by the Earl Russell.

Ordered, That the Committee be adjourned till Tuesday next, One o'clock.

Die Martis, 26° *Maii*, 1868.

LORDS PRESENT :

Lord Archbishop of York.	Lord Bishop of London.
Lord Privy Seal.	Lord Bishop of Oxford.
Duke of Somerset.	Lord Redesdale.
Earl Stanhope.	Lord Colchester.
Earl of Carnarvon.	Lord Somerhill.
Earl of Harrowby.	Lord Lyveden.
Earl Granville.	

The Earl STANHOPE in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The Draft of the Report proposed by the *Chairman* is considered by the Committee.

Paragraphs 1 and 2 are read, and Amendments are made therein.

Paragraph 3 is read, and Amendments are made therein.

It is then moved by the *Lord Bishop of Oxford*, to insert " (It has been stated by Bishop Moriarty and others that) " after " (Ireland)," in line 8 of the paragraph.

Objected to.—On Question, That the Amendment be agreed to.

Content.	Not Content.
Lord Privy Seal.	Lord Archbishop of York.
Earl of Carnarvon.	Duke of Somerset.
Lord Bishop of London.	Earl Stanhope.
Lord Bishop of Oxford.	Earl of Harrowby.
Lord Redesdale.	Earl Granville.
Lord Colchester.	Lord Somerhill.
	Lord Lyveden.

It is proposed by the Lord *Redesdale*, to insert the following paragraph after paragraph 3 :—

" The Committee have therefore particularly inquired into the provisions of the latter Act. They find that the first clause declares and enacts that which has always been common law, and asserted to be so, and confirmed by statute from a very early period. That is particularly set forth in the 16 Richard 2, c. 5, passed in 1392, nearly 500 years ago. The

* Jacobson, Patres Apostolici, vol. 2.

The preamble to that Act, among other matters, sets forth that, 'Whereas the Commons 'of the realm in this present Parliament have showed to our redoubted Lord the King, 'grievously complaining that whereas our said Lord the King, and all his liege people 'ought of right, and of old times were wont, to sue in the King's Court to recover their 'presentments to churches to which they had a right to present, the cognisance of the 'plea of which presentment belongeth only to the King's Court of the old right of his 'Crown, used and approved in the time of all his progenitors Kings of England; but now 'of late divers processes be made by the Holy Father the Pope, and censures of excom-'munication upon certain Bishops of England, because they have made execution of such 'commandments to the open disherison of the said Crown, and destruction of the regalty 'of our said Lord the King, his law and all his realm, if remedy be not provided; and 'also it is said that the said Holy Father the Pope hath ordained and purposed to translate 'some prelates of the same realm, without the King's assent and knowledge, by which 'translations, if they should be suffered, the statutes of the realm should be defeated 'and made void, and so the Crown of England, which hath been so free at all times, 'that it hath been in no earthly subjection, but immediately subject to God in all things 'touching the regalty of the Crown, and to none other, should be submitted to the 'Pope, and the laws and statutes of the realm by him defeated and avoided at his will, 'in perpetual destruction of the sovereignty of the King our Lord, his Crown, his re-'galty, and of all his realm, which God defend.'"

"In accordance with the principles thus declared, the Act provides that, 'If any 'purchase or pursue, or cause to be purchased or pursued, in the Court of Rome or else-'where, any such translations, processes, sentences of excommunication, bulls, instruments, 'or any other things whatever which touch the King, against him, his Crown, and his re-'galty or his realm as is aforesaid, and they which being within the realm, or there receive 'or make thereof notification or any other execution whatsoever within the same realm 'or without, that they, their notaries, procurators, maintainers and abettors, fautors and 'counsellors, shall be put out of the King's protection, and their lands and tenements, 'goods and chattels forfeit to our Lord the King, and that they be attached by their 'bodies, if they may be found and brought before the King and his council there to answer 'to the cases aforesaid, or that process be made against them by *præmunire facias* in 'manner as is ordained in other statutes of provisors and against others which do sue in 'other court in derogation of the regalty of our Lord the King.'"

"The next statute the Committee desire to notice is the 28 Hen. 8, c. 16, which enacts, 'That all bulls, breves, faculties, and dispensations, of what names, natures or 'qualities whatsoever they be of, heretofore had or obtained from the Bishop of Rome, 'or any of his predecessors, or by the authority of the See of Rome, by or to any 'subjects, resiants, or bodies politic or corporate, of or in this realm, or of or in any 'other the King's dominions, shall from thenceforth be clearly void and of no value, 'force, strength, nor virtue, and shall never hereafter be used, admitted, allowed, pleaded 'or alleged in any places or courts of this realm, or of any other the King's dominions 'upon the pains contained in the Statute of Provision and Præmunire, made in the six-'teenth year of the reign of King Richard the Second.'"

It is then moved by the Lord *Lyveden* to leave out from (ago), in line 4, to the end of the paragraph.

Objected to. On Question, That the words proposed to be left out stand part of the paragraph:

Content.	Not Content.
Lord Archbishop of York.	Duke of Somerset.
Lord Privy Seal.	Earl Stanhope.
Earl of Carnarvon.	Earl Granville.
Earl of Harrowby.	Lord Somerhill.
Lord Bishop of London.	Lord Lyveden.
Lord Bishop of Oxford.	
Lord Redesdale.	
Lord Colchester.	

The paragraph is again read and agreed to.

The following paragraph, prepared by the Earl Russell, is laid before the Committee by the Chairman, viz.:

"The Ecclesiastical Titles Act was considered by Parliament to be a measure not of aggression but of defence. The Pope had assumed to divide England by his own authority into dioceses, over each of which he placed an Archbishop or Bishop, with a territorial jurisdiction, and an ecclesiastical title, derived from some place within Her Majesty's dominions. This excited great indignation in the country, and in Parliament, through which the Bill was passed by large majorities."

It is then moved by the Lord *Lyveden* to insert (apparent assumption of a territorial title) after (This) in line 5 of the paragraph.

The same is objected to, and on Question negatived; and the paragraph is again read and agreed to.

Ordered, That the Committee be adjourned till Thursday, the 11th of June, One o'clock.

Die Jovis, 11° *Junii*, 1868.

LORDS PRESENT:

Lord Chancellor.	Earl Russell.
Lord Archbishop of York.	Lord Bishop of London.
Lord Privy Seal.	Lord Bishop of Oxford.
Duke of Somerset.	Lord Redesdale.
Earl Stanhope.	Lord Colchester.
Earl of Carnarvon.	Lord Somerhill.
Earl of Harrowby.	Lord Lyveden.
Earl Granville.	

The Earl STANHOPE in the Chair.

Order of Adjournment, read.

The Proceedings of the Committee of Tuesday, the 26th of May last, are read.

The Draft Report, as reprinted with the Amendments, is laid before the Committee by the Chairman.

The same is read, and is as follows, viz.:

"The Committee, in pursuance of the task entrusted to them, have examined several witnesses, and carefully considered the evidence given on the same subject before the Committee of the House of Commons last year, and now on the Table of the House.

"The enactments referred to the Committee are the 14 Vict. c. 60 (the Ecclesiastical Titles Act), passed in 1851, and Section 24 of the Act 10 Geo. 4, c. 7 (the Roman Catholic Relief Act), passed in 1829. Looking to the joint operation of these Acts, it does not appear to the Committee that they have in fact, as has sometimes been supposed, caused to the Roman Catholics any real injury in the matter of charitable donations and bequests. They may have given rise to the necessity of circumlocution in the legal deeds requisite on such occasions, but the Committee have not found any instance where the wishes of the donor or testator have failed to be fulfilled. Cases, however, have been adduced as of possible occurrence in which grievances of this kind might hereafter be actually experienced.*

"While the Roman Catholic Relief Act gave general satisfaction, and Roman Catholic Archbishops and Bishops, although forbidden to use the titles of their sees, sat on the Irish Board of National Education, it is alleged by several witnesses of great weight and authority on the Roman Catholic side, and not, so far as the Committee know, denied in any quarter, that the Ecclesiastical Titles Act has given rise to great dissatisfaction in the Roman Catholic body. That dissatisfaction is stated to be by no means confined to the prelates and priests of the Roman Catholic Church, but to extend to the laymen of their communion. That dissatisfaction, it is stated, has not passed away with the lapse of time since the enactment of 1851, but it is still keenly felt.† In Ireland it has had the effect of alienating the heads of the Roman Catholic Church from Her Majesty's Government.

"The Committee have therefore particularly inquired into the provisions of the latter Act. They find that the first clause declares and enacts that which has always been common law, and asserted to be so and confirmed by statute from a very early period. This is particularly set forth in the 16 Richard 2, c. 5, passed in 1392, nearly 500 years ago. The preamble to that Act, among other matters, sets forth that, 'Whereas the 'Commons of the Realm in this present Parliament have showed to our redoubted Lord 'the King, grievously complaining that whereas our said Lord the King, and all his liege 'people ought of right, and of old time were wont, to sue in the King's Court to recover 'their presentments to churches to which they had a right to present, the cognizance of 'the plea of which presentment belongeth only to the Kings's Court of the old right of 'his Crown, used and approved in the time of all his progenitors Kings of England; but 'now of late divers processes be made by the Holy Father the Pope, and censures of 'excommunication upon certain Bishops of England, because they have made execution 'of such commandments to the open disherison of the said Crown, and destruction of the 'regalty of our said Lord the King, his law and all his realm, if remedy be not provided; 'and also it is said that the said Holy Father the Pope hath ordained and purposed to 'translate some prelates of the same realm, without the King's assent and knowledge, by 'which translations, if they should be suffered, the statutes of the realm, should be defeated 'and made void, and so the Crown of England, which hath been so free at all times, that 'it hath been in no earthly subjection, but immediately subject to God in all things 'touching the regalty of the Crown, and to none other, should be submitted to the Pope, 'and the laws and statutes of the realm by him defeated and avoided at his will, in perpetual 'destruction of the sovereignty of the King our Lord, his Crown, his regalty, and of all 'his realm, which God defend.'

"In accordance with the principles thus declared, the Act provides that, 'If any purchase

* Evidence of Bishop Grant, Questions 433 and the next following.

† Sir Colman O'Loghlen, Questions 564 and following.

'or pursue, or caused to be purchased or pursued in the Court of Rome or elsewhere any 'such translations, processes, sentences of excommunication, bulls, instruments or any 'other things whatever which touch the King, against him, his Crown, and his regalty or 'his realm as is aforesaid, and they which being within the realm, or there receive or make 'thereof notification or any other execution whatsoever within the same realm or without, 'that they, their notaries, procurators, maintainers and abettors, fautors, and counsellors, 'shall be put out of the King's protection, and their lands and tenements, goods and 'chattels forfeit to our Lord the King, and that they be attached by their bodies, if they 'may be found and brought before the King and his Council there to answer to the 'cases aforesaid, or that process be made against them by *præmunire facias* in manner as 'is ordained in other statutes of provisors and against others which do sue in any other 'court in derogation of the regalty of our Lord the King.'

"The next statute the Committee desire to notice, is the 28 Hen. 8, c. 16, which enacts, 'That all bulls, breves, faculties, and dispensations, of what names, natures, or 'qualities whatsoever they be of, heretofore had or obtained from the Bishop of Rome, 'or any of his predecessors, or by the authority of the See of Rome, by or to any subjects, 'resiants, or bodies politic or corporate, of or in this realm, or of or in any other the King's 'dominions, shall from thenceforth be clearly void and of no value, force, strength, nor 'virtue, and shall never hereafter be used, admitted allowed, pleaded, or alleged in any 'places or courts of this realm, or of any other the King's dominions upon the pains con-'tained in the Statute of Provision and Præmunire, made in the sixteenth year of the 'Reign of King Richard the Second.'

"This Act, passed in 1536, was repealed in 1554, 1 Philip and Mary, c. 8, and revived in 1558 by 1 Elizabeth, c. 1. It therefore appears that the first section of the Ecclesiastical Titles Act, which only provides that 'All such briefs, rescripts, or letters apos-'tolical, and all and every the jurisdiction, authority, pre-eminence, or title conferred, or 'pretended to be conferred thereby, are, and shall be and be deemed unlawful and void,' does no more than declare and assert that which was law before that Act was added to the Statute Book. The Ecclesiastical Titles Act was considered by Parliament to be a measure not of aggression but of defence. The Pope had assumed to divide England by his own authority into dioceses, over each of which he placed an Archbishop or Bishop, with a Territorial Jurisdiction, and an Ecclesiastical Title, derived from some place within Her Majesty's dominions. This excited great indignation in the country, and in Parliament, through which the Bill was passed by large majorities.

"No attempt has been made to enforce the prohibitions or to levy the penalties under the section of the Act of 1829, or under the Act of 1851."

CONTINUATION OF THE DRAFT REPORT AS REVISED BY THE CHAIRMAN AND CONSIDERED BY THE COMMITTEE. Thursday, June 11.

"UNDER such circumstances, the Committee must confess themselves unable to discern how the retention of these prohibitions and penalties upon the statute book can be held to afford any security to any of our Protestant institutions.

"The opinion upon this point of the Committee is confirmed by that of laymen of great weight and authority among the Protestants of Ireland, as especially the Right Hon. Sir Joseph Napier, lately Member for the University of Dublin, and Dr. Ball, Vicar General of the Province of Armagh.*

* Questions 317, 321, 322, &c.; also Questions 363 and 364.

"It appears also to the Committee no inconsiderable evil that any law should be continued when its enactments are systematically disregarded, and where it is understood that they are never to be carried into practical effect.

"The Committee think, however, that a mere repeal of these two Acts, unaccompanied by any other provision, as has sometimes been proposed, would not be sufficient nor satisfactory. They conceive that any such repeal should be accompanied by a declaration in the clearest terms of the Queen's undoubted prerogative as the Fountain of Honour, as by right the sole dispenser of territorial titles within her own dominions.

"With this object the Committee desire to call the attention of the House to the Canadian Act, bearing date May 30, 1849, and printed at length in the Appendix to the Report of the House of Commons Committee of last year. It is entitled, 'An Act to incorporate the Roman Catholic Archbishop and Bishops in each Diocese of Lower Canada;' and, having been ratified by Parliament, it is now the 12 Vict. c. 186. This Act, while it recognises the territorial titles of these prelates, as for instance, 'The Right Reverend Joseph Signay, Roman Catholic Archbishop of Quebec;" or, 'The said Joseph Signay and his successors, being Archbishop of Quebec aforesaid, in communion with the Church of Rome,' contains the following clause:

"'And be it enacted that nothing herein contained shall affect, or be construed to 'affect, in any manner or way, the rights of Her Majesty, Her heirs or successors, or of any 'person or persons, or of any body politic or corporate, such only excepted as are herein-'before mentioned and provided for.'

"It has been stated to the Committee, by high authority upon the Roman Catholic side,

side, that a clause of similar import in any Bill to repeal the two statutes that are now complained of, would be considered free from all objection, and 'perfectly satisfactory.'*

"The Committee think, however, that in the clause which they would desire to see inserted, the Queen's undoubted prerogative shall be set forth in more clear and positive terms.

"The Committee are further of opinion that in such a repealing Act as they have described there should be another clause, fixing for purposes of legal description the proper mode of designation applicable to Roman Catholic Prelates.

"Several forms for such designation that seem free from difficulty, might be suggested. A witness of considerable weight, the Right Hon. Mr. Justice O'Hagan, in his evidence before the House of Commons Committee, referred to the Canadian precedent, as naming A. B., Archbishop of Quebec, in communion with the Church of Rome, and he added: 'I see no objection on my own part to some such designation; and for my own part, as a Catholic, I have no objection to be described, or have a bishop described as a 'Roman Catholic,' that is, a member of the one Church Catholic in communion with the Holy See.'†

"Sir Colman O'Loghlen, as a witness before the present Committee, concurred in approving the form contained in the Canadian Act, as 'A. B., Archbishop of Quebec, in communion with the Church of Rome,' and added only: 'If I had been drawing the Act I would have put in 'with the See of Rome;' but that is a mere technical objection, and I do not think that anybody would object to it."

* Sir Colman O'Loghlen, Questions 605 and 606.

† Report of Commons Committee, Question 61.

Question 537.

It is proposed by the Lord Chancellor to insert the following paragraph after "(1851)",—in line 36 of the previous page, viz.:

"(The Committee, however, are not of opinion that these enactments, and more especially the Act of 1851, have been ineffectual; they were a plain and emphatic assertion by the Legislature of the constitutional authority and supremacy of the Sovereign, and there has not since 1851 been any general or ostentatious infraction of the enactment of that year by those against whom it was directed.)"

The same is read, and it is proposed to leave out from the beginning of the paragraph to "(they)" in line 2. Objected to.

On Question, That the words proposed to be left out stand part of the paragraph;

Content.	Not Content.
Lord Chancellor.	Earl Stanhope.
Lord Archbishop of York.	Earl of Carnarvon.
Lord Privy Seal.	Earl Granville.
Duke of Somerset.	Lord Somerhill.
Earl of Harrowby.	Lord Lyveden.
Earl Russell.	
Lord Bishop of London.	
Lord Redesdale.	

It is then moved by the Earl Russell to leave out "(general)" in line 4, and to insert "(open)" in lieu thereof. Objected to.

On Question, That the word proposed to be left out stand part of the paragraph:

Content.	Not Content.
Lord Chancellor.	Earl Russell.
Lord Privy Seal.	
Duke of Somerset.	
Earl of Harrowby.	
Lord Bishop of London.	
Lord Redesdale.	
Lord Colchester.	
Lord Somerhill.	

The paragraph is again read, and objected to.

On Question, "That the paragraph stand part of the Draft Report:"

Content.	Not Content.
Lord Chancellor.	Earl Stanhope.
Lord Privy Seal.	Earl of Carnarvon.
Duke of Somerset.	Earl Granville.
Earl of Harrowby.	Lord Bishop of Oxford.
Earl Russell.	Lord Lyveden.
Lord Bishop of London.	
Lord Redesdale.	
Lord Colchester.	
Lord Somerhill.	

It is then proposed by the Chairman, that the following paragraph stand part of the Draft Report, viz.:

"(Under such circumstances, the Committee must confess themselves unable to discern how the retention of these prohibitions and penalties upon the Statute Book can be held to afford any security to any of our Protestant institutions."

The same is objected to, and it is moved by the Lord Chancellor to insert the following paragraph, in lieu of the one proposed by the Chairman, viz.:

"(It has been suggested, that the object of the Act of 1851 would have been sufficiently attained by a simple declaration of the invalidity of any assumption of ecclesiastical titles of honour, or of any attempt to confer coercive jurisdiction otherwise than under the authority of Her Majesty, and according to the laws of the realm, unaccompanied by the enactment of any penalties.) But the Committee are of opinion that while a mere repeal of the section of the Act of 1829 and of the Act of 1851, would be open to misconstruction, and therefore inexpedient, any advantage to be gained by a modification of those enactments in the manner above indicated, would be more than counterbalanced by the evil of re-opening, without any sufficient cause, the discussion of a question always calculated to occasion much irritation of feeling."

On Question, "That the paragraph proposed by the Chairman stand part of the Draft Report:"

Content.	Not Content.
Earl Stanhope.	Lord Chancellor.
Earl of Carnarvon.	Lord Archbishop of York.
Earl Granville.	Lord Privy Seal.
Lord Somerhill.	Duke of Somerset.
Lord Lyveden	Earl of Harrowby.
	Earl Russell.
	Lord Bishop of London.
	Lord Bishop of Oxford.
	Lord Redesdale.
	Lord Colchester.

The paragraph proposed by the Lord Chancellor is again read, and objected to.

On Question, "That the paragraph stand part of the Draft Report:"

Content.	Not Content.
Lord Chancellor.	Earl Stanhope.
Lord Archbishop of York.	Earl of Carnarvon.
Lord Privy Seal.	Earl Granville.
Duke of Somerset.	Lord Somerhill.
Earl of Harrowby.	Lord Lyveden.
Earl Russell.	
Lord Bishop of Oxford.	
Lord Redesdale.	
Lord Colchester.	

The remaining paragraphs of the Draft Report are then read, and negatived.

On Question, "That the Draft Report, as amended, be agreed to:"

Content.	Not Content.
Lord Chancellor.	Earl Stanhope.
Lord Archbishop of York.	Earl of Carnarvon.
Lord Privy Seal.	Earl Granville.
Duke of Somerset.	Lord Bishop of London.
Earl of Harrowby.	Lord Somerhill.
Earl Russell.	Lord Lyveden.
Lord Bishop of Oxford.	
Lord Redesdale.	
Lord Colchester.	

Ordered, That the Committee be adjourned till Tuesday next, Four o'clock.

Die Martis, 16° *Junii*, 1868.

LORDS PRESENT:

Earl Stanhope.	Lord Colchester.
Lord Redesdale.	Lord Somerhill.

The Earl STANHOPE in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Friday last are read.

The Draft Report is again read; some verbal amendments are made therein, and the same as amended is agreed to.—(*Vide* the Report.)

Ordered, That the Lord in the Chair do make the said Report to the House.

MINUTES OF EVIDENCE.

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Die Veneris, 24° Aprilis, 1868.

LORDS PRESENT:

Lord Chancellor.	Earl Granville.
Lord Archbishop of York.	Earl Russell.
Lord Privy Seal.	Lord Bishop of London.
Duke of Somerset.	Lord Redesdale.
Earl Stanhope.	Lord Colchester.
Earl of Harrowby.	Lord Lyveden.

The Earl STANHOPE, in the Chair.

Mr. WILLIAM GERNON, is called in; and Examined, as follows:

Mr. *W. Gernon.*

24th April 1868.

1. *Chairman.*] YOU are, I think, Secretary to the Irish Charity Commission?
I am. It is known in Ireland by the name of the Board of Charitable Donations and Bequests.

2. That Board has, as I understand, two secretaries?
It has.

3. You are the Roman Catholic secretary, are you not?
I am the Roman Catholic secretary.

4. Who is the other secretary?
Mr. Hercules Macdonnell is the Protestant Secretary.

5. Is he a member of the Established Church?
He is a member of the Established Church.

6. How long has that Board been in existence?
It was constituted under the 7 & 8 Vict. c. 97, in the year 1844?

7. And how long have you been secretary to it?
I was appointed secretary in the year 1856.

8. Is it a salaried office?
It is.

9. Does the appointment rest with the Crown?
With the Lord Lieutenant of Ireland. I was appointed by Lord Carlisle in the year 1856.

10. What are the powers of that Board?
It is somewhat analogous to the English Board of Charities, except that the Commissioners are all unpaid, and many of them are judges. The Master of the Rolls is *ex officio* the chairman of the Board, and the Chief Baron of the Exchequer is *ex officio* vice chairman. There are 10 persons appointed by the sign manual of the Queen, and by the Act of 1844 five of them must at all times be persons professing the Roman Catholic religion; and though the statute itself does not contemplate the appointment of two secretaries, it has always been found, since the passing of the Act, that it gave greater confidence to the two religious denominations to have two secretaries of co-ordinate rank, status, and salary, belonging to each of the two principal religious communions.

Mr. *W. Gernon.*

24th April 1868.

11. We may presume then that the Roman Catholic bequests pass through your hands, and that those connected with Protestants or with the Established Church pass through the hands of the other secretary?

Not necessarily; the general rule is, that Mr. Macdonnell, my brother secretary, and myself, take the cases as they come in rotation into the office; but if there is any question affecting the religious tenets of either Protestants or Roman Catholics, if it be a Protestant case, I usually place it in the hands of my brother secretary; and in the same way my brother secretary places an exclusively Roman Catholic charity in my hands to be worked out.

12. If therefore there be a charitable bequest, it has to be referred to this Board?

The powers of the Board, under the 7 & 8 Vict. c. 97, only deal with charities which have been, in the words of the Act, "concealed, withheld, or misapplied."

13. *Lord Archbishop of York.*] Is that Board analogous to our Charity Commission in England?

Very much so, except that the Commissioners are all unpaid in Ireland. The secretaries are the paid heads of the department in Ireland.

14. *Chairman.*] Have you had occasion to observe the position of the Ecclesiastical Titles Bill in Ireland?

One case has come under my knowledge as Roman Catholic secretary, of which, if their Lordships wish, I will detail the facts. Perhaps I ought to state that, there being a Protestant secretary and a Roman Catholic secretary, though the Act does not contemplate it, they have, with one exception, been members of the bar. It has been found that the Act of Parliament deals with almost strictly legal matters, and for this reason the two secretaries have been members of the Irish bar. As we always know our cases in the office by the name of the testators leaving the charities, we usually designate them by those names, and the charity to which I would call the attention of your Lordships is known in the office by the name of "George Hildebrand's Charity."

15. Will you give the date of it?

I have not taken down the date of the bequest.

16. *Lord Archbishop of York.*] Is it an old bequest?

It is not an old bequest.

17. *Chairman.*] What is the date of the proceedings upon it?

In 1865 it came before our Board. Mr. George Hildebrand was a gentleman who lived in the town of Westport, in the county of Mayo, in Ireland, and by his will he left a charitable bequest of 100 *l.*, 70 *l.* of it to be paid to the parish priest of Westport, for the Roman Catholic poor of Westport, and 30 *l.* to be paid to the Protestant rector, for the benefit of the Protestant poor of Westport. It seemed that the executrix of the will of Mr. Hildebrand was not discharging her duty by paying over the bequest to the proper parties, and a complaint was made to the Board of Charities in Ireland, through me, as its secretary, stating that this sum was due, and remained unpaid. I brought the matter before the Board; and there is a rule of our Board, which I may say is uniformly acted upon, that if a bequest is made to a rector of the Established Church, or to a parish priest of the Roman Catholic Church, we do not recognise either of those gentlemen without a certificate under the hand of the Bishop of his diocese; so that if there be any flaw, canonical or otherwise, in the party holding the place, we must have it under the hand of the Bishop that he is rightly there before we pay him the bequest. It was in this way that the matter came, I may say, to clash, as far as I could see, with the Ecclesiastical Titles Act. When I brought the matter before the Board it was stated that the parish priest of Westport had lately died, and we were at a loss to discover whether the parish had been filled up or not. The Board directed me, as usual, to act under their minute, a copy of which I will read to your Lordships: "In the case of George Hildebrand's Charity; Board meeting, 11th May 1865. Mr. Secretary Gernon read letter from Mr. Hildebrand, saying that his mother was prepared to pay the legacy of 100 *l.*, and also a letter from Mr. Neal Davis, solicitor for Mrs. Hildebrand, inquiring to whom same was to be paid, inasmuch as there was no parish priest in Westport, and that it was a mensal parish, and adding that the Venerable Archdeacon, J. Cather, was the Protestant

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Protestant rector. Will read, bequeathing 70 *l.* to the parish priest, and 30 *l.* to the Protestant rector for the use of the poor. Sixth section of Board's Act read, and at the suggestion of the Roman Catholic commissioners present, it was ordered, that a communication be made to the Roman Catholic Archbishop, forwarding to him an extract of the will, with a request that he would be good enough to certify to whom the bequest of 70 *l.* is to be paid." Acting upon that order of my Board, I ascertained that Archbishop M'Hale was the Bishop who had ecclesiastical jurisdiction in the town of Westport. At the time of the making of the minute, which I have taken the liberty of reading to your Lordships, he was in Rome, and I had to wait a month for his return. Having heard that he was in Dublin, on his way from Rome, I waited on him at his hotel, and I said to him, "My Lord, I have come for the purpose of asking your certificate as to who the party is that is now the parish priest of Westport." He asked me who I was. I had not any previous acquaintance with Archbishop M'Hale, and I told him I was the Roman Catholic Secretary of the Board of Charities in Ireland, and that by a uniform rule of the Board we required the certificate of the Bishop before we could recognise a parish priest. His answer was, "I am now, myself, the parish priest of Westport." It seems that after the death of the parish priest, whose death I have previously referred to, the parish had been converted into what is called a "mensal" parish; it is taken from the Latin word *mensa*, and is supposed to be a parish contributing to the table, or the income of the Bishop of the diocese, who thereupon becomes parish priest of that particular parish, and it is usual, and I believe it is uniformly the rule in Ireland, that every Roman Catholic Bishop has one or two mensal parishes assigned to him, in which there is no parish priest, but an administrator of the Bishop.

18. *Lord Archbishop of York.*] That is to say, there is a priest acting for the bishop?

Yes.

19. *Chairman.*] Do those parishes supply the bishop's income?

They partially supply his income; they are supposed to contribute to his income. Then, finding that this was rather a peculiar case, I said to the Archbishop "Will your Grace be kind enough to certify in writing to me that you are now the parish priest of Westport, in order that we may have this bequest of 70 *l.* for the poor paid over to you?" He sat down and wrote a certificate, that certificate being in terms that he had been appointed by his Holiness the Pope to the parish of Westport, and that, as such, he was the parish priest, and entitled to receive the bequest of 70 *l.* And he signed the certificate, "John H'Hale, Archbishop of Tuam." I looked at the certificate. I read it, and said to him, "My Lord, it is a painful thing for me, as a Catholic, to have to tell your Grace that I cannot accept this certificate from you." He said, "Why not?" I replied, "Because, my Lord, though fully recognising in my conscience, as a Catholic, your Grace's right to be Archbishop of Tuam, I feel as an officer of the Government Board, which is a mixed Board, composed of Roman Catholics and Protestants, that I cannot place before my Board a document that has illegality upon the face of it. It seems to me to be a direct contravention of the Ecclesiastical Titles Act; and, however painful it may be to myself personally, I am compelled, in the exercise of my official duty, to decline accepting that certificate from your Grace." He said, "I will give you no other." "Well, my Lord," I said, "You place me in a very uncomfortable position." He said, "What right has your Board to refer to me for a certificate as to who the parish priest of Westport is, and then, when I come to sign the certificate, showing the diocese to which I belong, and the parish to which the priest belongs, to say that you ignore my jurisdiction?" I said, "Unfortunately, my Lord, that is not for me to determine; whether rightly or wrongly, there is a statute upon the statute book that imposes upon me the painful and disagreeable necessity of declining this certificate." The Archbishop again said, "I will give you no other." I then said, "Then, my Lord, the position of things will be this: I fear that the bequest will be locked up from the poor; the poor of Westport will suffer to the extent of this 70 *l.*, and you will place me, as a Catholic, in a very painful position with a Government Board, of either, perhaps, being reprimanded by the Master of the Rolls, the chairman, for presenting an illegal document, if I do present it, or of reporting to my Board that I can get no certificate, except such a one as I could not legally receive; and the poor would

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then be deprived of that bequest." His answer was, "In one sense, I should regret that result on account of the poor, but in another I should not regret it, because it is an illustration of the absurdity of the Ecclesiastical Titles Act." I then made a personal appeal to his Grace, and I said, "I ask you, my Lord, not to place me in a position that would be very painful to me, that of bringing this matter forward, and to give me a certificate, omitting your territorial title."

20. *Lord Archbishop of York.*] Signed as Archbishop?

Signed as "John M'Hale." He considered a little, and then turned to me, and said, "I have a respect for your position; I know your position would be a peculiar one as a Catholic if I persevered in this course, and I will therefore give you a certificate, omitting my title, but I will not omit the words that I have been appointed parish priest by his Holiness the Pope." "Well," I said, "my Lord, that is for you. I have no objection that those words should be in, and if the Board, with the Master of the Rolls as its chairman, accepts that certificate, of course I am quite willing that it should be placed upon our minutes." He said: "No one but the Pope can appoint a Bishop to a mensal parish, because the Bishop himself appoints the parish priest, but the Bishop cannot appoint himself to a mensal parish, and therefore he must be appointed by a superior authority."

21. It is the suppression, as it were, of the position of a parish priest?

It is the absorption of the parish, if I may so explain myself. Thereupon the Archbishop gave me the certificate. I have the original certificate in my hands in these words: "Saint Jarlath's, Tuam, June 22nd, 1865. I hereby certify that the parish of Westport has been conferred on me by his Holiness the Pope as a mensal parish, which appointment authorises me to give a valid discharge for the bequest of 70 *l.* left by the late Mr. George Hildebrand to the Catholic poor of Westport;" and it is signed in the usual way that Roman Catholic Bishops sign in Ireland, with a cross before their names, "John M'Hale." Having got that certificate upon the 22nd of June, on the same day, I think, there was a Board meeting, and on that same day I brought this certificate before the Board. The Master of the Rolls, I believe, was in the chair, but I am not quite sure; however, there was a quorum of five, and this minute was passed: "Mr. Secretary Gernon read a certificate from Archbishop M'Hale, stating that he had been appointed by his Holiness the Pope to the parish of Westport. Ordered, that the bequest of 70 *l.* to the parish priest of Westport may be legally paid to Archbishop M'Hale;" and thereupon it was remitted to the Archbishop, and the case concluded in that way. I did feel, certainly, after that incident, that I had been placed in a very unpleasant and painful position.

22. The having a certificate of the Bishop is a regulation of the Board, I presume, and not of the statute?

I think I may answer your Grace's question by stating that it is a regulation of the Board. The 6th section of the 7 & 8 Victoria refers all questions concerning the usage or discipline of the Protestant and Roman Catholic Churches to a committee composed exclusively of the members of those Churches; but there is an uniform rule of the Board, which I found in existence when I was appointed Secretary 12 years ago, that whether it be a Protestant rector or a Catholic parish priest, the Bishop of the particular diocese is uniformly referred to before the party is recognised as competent to receive the bequest.

23. You must have had the case before, or since; I suppose this is not an isolated case?

That is the only case in which I was brought so directly into collision as to be compelled to refuse a certificate from a Bishop of my own church.

24. Have you had other certificates about the same kind of thing?

It is entirely optional with any Bishop how he will frame the certificate. We merely require to see that the party is recognised by his Bishop as the proper party to receive the bequest; and having got the certificate from the Bishop, we immediately enter it on our minutes, and then we immediately recognise the party as parish priest or rector, as the case may be.

25. If you had written to the Archbishop, and he had returned that signature "Archbishop of Tuam," how would the Board have treated it then?

I think

I think if I had received it by the post from the Archbishop, my first impulse would have been to have returned it to his Grace, precisely as I did when he handed it to me on account of what appeared to me to be its contravention of the statute.

26. What I really want to discover is, how the Board had treated any other case where the certificate had been sent in without the precaution which was used in that particular case?

I am not aware of any other case in which the same circumstances occurred.

27. *Lord Privy Seal.*] Have you ever known any legatees lose their legacies in consequence of the contravention of this Act?

Not strictly speaking in consequence of the contravention of this Act, but I intend, with your Lordships' permission, to go into other branches where I find that Catholic trusts have a good deal suffered by want of corporate succession, or a recognition in some respect of the Catholic Archbishops and Bishops.

28. *Lord Bishop of London.*] Have you had other certificates from other Bishops signed in the ordinary way?

Yes, signed in the way that this is.

29. From almost every diocese in Ireland, I suppose?

They are not very frequent, but I think that we certainly have had certificates from Cardinal Cullen in which he has signed himself "Paul Cardinal Cullen," and that has been recognised by the Board.

30. No other Bishop, in fact, has made any objection, except Archbishop M'Hale?

I cannot remember that any other has.

31. *Chairman.*] But the signature of Cardinal Cullen, as Cardinal, would, I apprehend, not be a contravention of the Ecclesiastical Titles Act, for that Act says nothing of Cardinals?

I presume not, and hence within the last three or four weeks, in a charity known as "Roger Palmer's Charity," a parish being vacant in the diocese of Dublin, and Cardinal Cullen having presented a parish priest to it, I asked his Eminence for a certificate, which he gave me, as "Paul Cardinal Cullen." I presented that to the Board, and no objection was made. It certainly did not occur to me to be in contravention of the statute.

32. *Lord Archbishop of York.*] It is not contended, is it, that since the passing of the Ecclesiastical Titles Act, those certificates have been stopped; how has the case been treated when it has arisen before, because there must have been many of those certificates?

I think I may say that this is the only case where the Bishop signed his name by the territorial title.

33. Earl *Russell.*] If that first document to which you adverted had been signed "John M'Hale, Archbishop," would the Board have received it?

I think so, and perhaps I ought to say that I think many of the Roman Catholic Bishops sign themselves "Archbishop" or "Bishop," stopping there. I could not be quite clear upon that point, but I could quite readily ascertain it.

34. Duke of *Somerset.*] You have been secretary since the year 1856 to the present time, have you not?

I have.

35. And between the date of 1856 and the present time, you have found no difficulty of this kind, except in the case of George Hildebrand's Charity?

Not directly conflicting with the Ecclesiastical Titles Act.

36. And that difficulty might have been got over if the Archbishop had consented to sign himself "Archbishop and parish priest," without putting Archbishop of a special diocese?

It was eventually got over in that way.

37. Therefore, in point of fact, there was no practical grievance?

If your Lordships will permit me to say so, I certainly did feel it to be a practical grievance upon myself, as a Roman Catholic official, that I should have been brought into direct collision with an Archbishop of my own church,

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in a matter affecting his spiritual jurisdiction. I did feel that, co-ordinate as I am in every other respect with my brother secretary in this matter, we were not on an equal footing.

38. *Lord Privy Seal.*] You have not answered my question quite directly, as to whether you have ever known any legatee lose his legacy in consequence of the Ecclesiastical Titles Act?

Not directly in consequence of the Ecclesiastical Titles Act, but there is another branch of the subject in which I could, with your Lordships' permission, deal with that point.

39. *Lord Bishop of London.*] I understand that Archbishop M'Hale at last signed in the way in which he was usually in the habit of signing all other public documents. He might have signed his name in the way in which it always appears before the public, and no remark would have been made?

I apprehended so, and eventually he did so on my personal appeal.

40. Earl *Russell.*] Were you secretary to that Board when there were a Roman Catholic Archbishop and a Roman Catholic Bishop, members of the Board?

I was not, I think.

41. Do you remember how Archbishop Crolly (I think it was) signed in general?

I do not, but I have here with me, among the documents, a copy of Her Majesty's Royal warrant, appointing the first Commissioners, and it appoints the Roman Catholic Archbishops in these words: "Our right trusty and well-beloved the most Reverend Archbishop William Crolly, and the most Reverend Archbishop Daniel Murray." Those are the words used in Her Majesty's first warrant appointing the Commission.

42. *Chairman.*] There were Roman Catholic prelates on that Board at one time, were there not?

There always had been up to the death of the last Bishop who was on the Board, which occurred within the last two years. There were three Roman Catholic Bishops, namely, two Archbishops and a Bishop in the first warrant appointing them.

23. Has there been none appointed since the decease of the last?

There has been none appointed since the death of Bishop Denvir, who was the last of the Roman Catholic Episcopacy upon the Commission.

44. *Lord Archbishop of York.*] Have the places remained vacant, or have they been filled up?

They have been filled up by Roman Catholic laymen.

45. Lord *Redesdale.*] Have they been offered to any Roman Catholic prelates?

I think one place was offered to a Roman Catholic Dean, but he declined accepting it.

46. *Lord Archbishop of York.*] On other grounds which had nothing to do with this Act?

I apprehend not.

47. *Chairman.*] So far as you know, no offer has been made to any Roman Catholic prelates to fill the places left by the Roman Catholic prelates deceased?

Officially I am not able to answer that question; the usage is this, the moment a vacancy occurs we communicate with the Irish Government, and they get into communication with parties; and whether they have made such offers or not, I am not able, officially, to say. I am aware that a Roman Catholic Dean was offered a seat on the Board, and I think it was the place vacated by Bishop Denvir.

48. *Lord Bishop of London.*] Am I to understand that at the time Archbishop M'Hale made this difficulty there was a Roman Catholic Bishop on the Board, signing in the ordinary way?

There was no Archbishop on the Board. Archbishop Murray and Archbishop Crolly were both dead.

49. Was there no prelate on the Board at the time?

I rather think Bishop Denvir was a member of the Board at the time.

50. How

50. How does he sign his name?

He had no occasion to sign his name, because he was merely attending as a member.

51. *Chairman.*] Is there any other branch of the subject upon which you are prepared to give the Committee information?

Another point arose in a charity, which we know in the office as the Charity of Matthew Beggs. I stated to your Lordships that we always entitle a charity by the name of the testator who leaves the bequest. Mr. Matthew Beggs left the sum of 100*l.* to the Most Reverend Dr. Cullen, Roman Catholic Archbishop of Dublin, in trust, for the improvement of the chapel of Ratoath, in the county of Meath.

52. What was the date of those proceedings?

It certainly was within the last four years. The Most Reverend Dr. Cullen, fearing that if he put that money into the bank or invested it in his own name, and then died, it might be taken as a portion of his personal assets, without being earmarked for the purpose of a charity, placed the money in the Hibernian Bank, in Dublin, in the joint names of himself and the Reverend Patrick Sheridan, who was at the time parish priest of Ratoath; and a committee was appointed, for the purpose of carrying on the repairs of the chapel. The parishioners collected a certain sum for the purpose, and in their contract with the builder they calculated upon this sum of 100*l.*, which was then standing in the names of the Most Reverend Dr. Cullen and the Reverend Patrick Sheridan. During the progress of the works of the chapel the Reverend Patrick Sheridan, for some canonical fault, of the nature of which I am not aware, was suspended from duty and from his office by his Bishop, and an administration *ad interim* was appointed to take charge of the parish. When this money was required for the purpose of the contract, which was then completed by the builder, the administrator *ad interim* applied to the Most Reverend Dr. Cullen for the sum of money which was then in the bank. Dr. Cullen expressed his entire readiness to pay it out for the purpose, and he applied to the Rev. Patrick Sheridan to join him in doing so, as it could not then be released without both names. The Rev. Mr. Sheridan objected to do so. He said that he had not been consulted in the works, and that he thought that he ought to have had a voice in them, and that he would not give any assistance in releasing this money. The money was therefore locked up in the bank. A great deal of correspondence took place, and a great many applications on the part of the parish of Ratoath were made to Archbishop Cullen (who was not then Cardinal), he always expressing his readiness to pay out the sum, but Mr. Sheridan still refusing to join him. At length the administrator of the parish made a complaint to my Board, and said: "The works are complete; we are pressed for payment by the contractor of this 100*l.*; we are paying him interest upon the sum, and it is improperly locked up, and we cannot get at it, and therefore I contend that it is a case which your Board is competent to deal with as a withheld charity." I brought the matter before the Board, and the Board conceiving that a question of ecclesiastical jurisdiction might arise in reference to the suspension of the Rev. Mr. Sheridan, referred the case to the members of the Roman Catholic communion, and there were several conferences held, in which Chief Baron Pigott, Judge Fitzgerald, Baron Hughes, and I think Mr. Ennis (now Sir John Ennis), took part. At length the Chief Baron drew, with his own hand, a very elaborate report, stating all the facts of the case to the Board, and giving it as the opinion of the four Roman Catholic Commissioners, all of whom, I think, signed the report, that Dr. Cullen, though he had taken the course, for the security of the fund, of associating the name of the parish priest with him, was technically guilty of a breach of trust in having brought in a stranger into the trust with him; and they advised the Board to get the secretary to write a formal notice to the Most Rev. Dr. Cullen, stating that unless by a certain day the money was released, they would be compelled to take proceedings in the Court of Chancery againt Archbishop Cullen as the sole trustee under the will. A similar letter was written to the Rev. Mr. Sheridan, stating that, in consequence of his perverseness in not co-operating with the Archbishop in getting out the money, the Board join him as defendant in the suit, and would seek to make him liable for the costs of the proceedings. Under the threat of that

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notice, the Rev. Mr. Sheridan joined Archbishop Cullen in getting out the money, and it was paid over to the builder. I cite that case to show your Lordships the difficulty in which Archbishop Cullen was placed by being driven to the expedient of joining another name with his own, an act which the Roman Catholic Commissioners held, though done for the purpose of securing the fund, was a technical breach of trust.

53. Lord *Redesdale.*] In what way was that affected by the Ecclesiastical Titles Act?

I think I stated to your Lordships that it was not directly affected by the Ecclesiastical Titles Act; but I asked whether I was at liberty to go into other branches.

54. *Lord Archbishop of York.*] This difficulty would have arisen exactly in the same manner before the Ecclesiastical Titles Act passed, would it not?

I apprehend so.

55. It would have arisen 50 years ago just the same?

I apprehend so. I have another instance, similar in principle to the one which I have just mentioned to your Lordships, if I may be permitted to mention it.

56. Is there any instance in Ireland, so far as you are aware, where a charitable bequest has failed from its being made contrary to the provisions of the Ecclesiastical Titles Act?

I cannot say that I recollect any case in which it has failed; but the next case, of which I have taken a summary, approximates very closely, though I will not say it goes into the confines of the Act itself.

57. *Chairman.*] The question is not merely whether there has been an absolute loss of bequest, or what we should call a denial of the intention of the testator or donor, but whether you are aware of any inconvenience or legal proceedings which might have been avoided but for this Act, confining yourself to the operation of the Ecclesiastical Titles Act, and the clause of the Roman Catholic Relief Act which prohibits the titles being borne in Ireland by the prelates of the Roman Catholic Church?

I would ask your Lordships' permission to state the next case of which I have taken a note, and your Lordships would then be able to form an opinion whether it came within the scope of your reference.

58. Earl *Russell.*] Have you paid attention to that part of the Ecclesiastical Titles Act which contains a reservation of all the provisions of the Act of 1844 for the more effectual application of charitable donations and bequests in that part of the United Kingdom, and the mode in which those bequests may always be made good?

I am aware of that provision in the Ecclesiastical Titles Act. The next case to which I would ask your Lordships' attention is the case known as the Charity of the Reverend Matthew Tierney. The Reverend Matthew Tierney was a parish priest in the diocese of Kildare (or, as it is known in Ireland, Kildare and Leighlin), and that gentleman made his will, in which he says: "I will and bequeath all the property I may die possessed of at the time of my death to the Right Rev. Dr. Haly" (who was then the Roman Catholic Bishop exercising jurisdiction in that particular diocese), "to be disposed of by him in the most charitable way he may think fit." The circumstances of that case were these: that will being in existence, the testator died without revoking or altering it, and left assets to the extent, I believe, of about 800*l.* or 900*l.* I think they were sworn at about 800*l.* The Bishop whom he nominated as his executor, trustee, and sole legatee, died in the lifetime of the testator, and the testator, though he outlived the Bishop many years, did not proceed, either by codicil or otherwise, to appoint any new executor. The immediate successor of the Right Reverend Bishop Haly presented a memorial to the Board of Charities in Ireland, in which he says, "That Matthew Tierney, late parish priest of Coragh and Prosperous, in the county of Kildare, deceased, departed this life on or about the ( ) day of December 1857. That the property of which the said deceased died possessed consists of a balance in the Bank of Ireland of about 550*l.*; of household furniture, &c., the value of which is about 147*l.*; of stock, the value of which

which is about 91*l.* 5*s.*; of plate, the value of which is about 20*l.*; of monies in said deceased's house to the amount of 54*l.* 6*s.*; a bond debt, upon which there is due about 250*l.*; and money in the hands of F. Dowling to the amount of about 30*l.*; out of which he owed about 173*l.* That said deceased, previously to his death, duly made and executed his last will and testament in writing, bearing date the 12th day of February 1839, whereby he bequeathed all the property of which he should die possessed, after payment of his lawful debts and funeral expenses, unto the Right Reverend Francis Haly, late Roman Catholic Bishop, to be disposed of by him in the most charitable way he may think fit, reserving as much as would put a slab over him in the chapel of Coragh, and thereof appointed him, the said Right Reverend Francis Haly, his sole executor. That said Right Reverend Francis Haly departed this life on the 19th day of August 1855, in the lifetime of the said Reverend Matthew Tierney. That memorialist is advised, and believes, that notwithstanding the death of said Right Reverend Francis Haly, the trust of said will survives. That memorialist, as the successor of said Right Reverend Francis Haly, is anxious to obtain letters of administration with said will annexed of said deceased, in order to comply with the wishes of said deceased, and to distribute his said property amongst such charities as may be most in need of same. ✠ *James Walshe.*" The Minute of the Board of the 26th January 1860 is this: "Reverend Matthew Tierney's; Mr. Secretary Gernon read memorial from the Right Reverend Bishop James Walshe, at present officiating as Roman Catholic Bishop in Kildare, stating that the testator had left a considerable bequest for charitable and pious purposes, and had appointed the late Right Reverend Bishop Haly as executor, who had died in the lifetime of the testator: that memorialist had succeeded the late Bishop Haly as Roman Catholic Bishop, and prayed that for the protection of the charity execution of testator's will might be granted to him as successor. Ordered, that secretary inform Bishop Walshe that his memorial does not disclose a case upon which the Commissioners can legally interfere." Our Board felt that they could not assist the Bishop in taking out administration to a will, dealing altogether with charity property, and left to his immediate predecessor; but I believe the result of that case was, that after the lapse of five years, or so, Bishop Walshe, by the favour of the Attorney General of the day, obtained the consent of the Crown to his taking out administration; and that he did after that lapse of time get administration to this will, and I believe got the property and disposed of it.

59. *Lord Archbishop of York.*] Would not the position of a Protestant clergyman in Ireland be precisely the same? If I give and bequeath to the Reverend John Smith 100*l.* to be disposed of in charitable uses, and the Reverend John Smith dies, and the Reverend Edward Jones succeeds him, the Reverend Edward Jones would not make out any title to that money, would he, the Reverend John Smith dying in the lifetime of the testator?

I apprehend that in that case the successor of the rector would not have any right to administer to that will.

60. So that Bishop Walshe has done better than my imaginary Reverend John Smith would have done?

But he did it by favour of the Attorney General representing the Crown.

61. Lord *Redesdale.*] Supposing it had been left to any specific Bishop of the Established Church, a bequest of that kind would not have been made to the successor of the Bishop, and if the words used were "to him or to his successors in the see," it would have done; and so in this case, if he had left it "to the Right Reverend Dr. Walshe or to the person succeeding him in ecclesiastical jurisdiction in the district," it would then have gone to the person succeeding him; but he left it personally to an individual, and if that individual had been a Bishop of our own Church, in like manner it would have been the executors of that Bishop, who would have been the executors of that money?

Perhaps so.

62. Earl of *Harrowby.*] Is your case this: that the testator was in this case driven to the expedient of leaving it to the individual, and not to the office, because the office was not recognised by law?

I can scarcely say, except from what the testator himself discloses upon the face of his will, what was passing in his mind; but Bishop Walshe seemed to

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contend very strongly at the time that his intentions were to leave it to the Bishop of the diocese, and to constitute the Bishop his sole successor, whoever he might be.

63. But would it have been competent under the existing law for the testator to have left the legacy to the occupier of the office, and not to the individual?

I apprehend that he could have left the trusts to the existing Bishop, or to any person who might be Bishop of that diocese for the time being.

64. But how would he have specified the diocese occupied by the Bishop?

There would have been his difficulty. The difficulty in the testator's mind, I apprehend (though I do not know whether it was in his mind when he made this will, because, of course, the will only speaks for itself), would have been the description of the Bishop as Bishop of Kildare and Leighlin.

65. And in that difficulty, of course, he had to leave it to the individual, and then the question arose whether it could go to the office?

Yes, or to the next of kin, or to the Crown.

66. *Chairman.*] Would your Board consider, as rendering the bequest invalid, a description of the person which was contrary to the law; if, for instance, a Roman Catholic testator bequeathed a certain sum to an individual whom he named, and then described him as Archbishop of Tuam, would your Board think it necessary to deny that bequest, on the ground that the law did not recognise such an individual as was named in truth to be Archbishop of Tuam?

No case of the kind has come before the Board; but I apprehend that, by reason of the passing of the Ecclesiastical Titles Act, professional men in drawing wills have very assiduously steered clear of that difficulty by describing Roman Catholic Bishops as parties "who exercising spiritual jurisdiction" in such and such a place.

67. Then, practically, no such difficulty in the case of an unlettered man being a testator has come before you?

A case has never come before our Board in which a bequest was left to "John Archbishop of Tuam," for instance.

68. *Lord Archbishop of York.*] I presume you do not contend, what was a little suggested, that the testator having left it by name to a person who died during the testator's lifetime, was precluded from carrying out his benevolent intention, because of the passing of the Ecclesiastical Titles Act in the meantime?

I think that but for the aid of the Crown in this particular case, the next of kin or the Crown would have claimed, and successfully claimed, this money.

69. As in the case of the Protestant clergyman, in my imaginary instance?

Perhaps so.

70. Earl *Granville.*] There is no doubt that in the one case there would be no inducement to leave it to the Protestant clergyman by his name; whereas there would be an inducement, on account of the Ecclesiastical Titles Act, to many testators to leave it so in the case of a Roman Catholic dignitary.

I have no doubt that since the passing of the Ecclesiastical Titles Act, a great deal of astuteness and care has been employed by lawyers to avoid those difficulties, and I do not think that our Board would feel itself competent to carry out a bequest to "John Archbishop of Tuam;" but I am only speaking speculatively, because the case has never arisen before the Board; but if 100 *l.* was left to "John Archbishop of Tuam," I apprehend that the Board would be slow to aid that individual.

71. *Lord Archbishop of York.*] Without knowing it sufficiently, I suppose you are cognizant of the fact that sums of money are left in trust to Roman Catholic Bishops constantly in this country?

Constantly.

72. And that has gone on before the passing of the Ecclesiastical Titles Act, and since?

Yes;

Yes; but I apprehend that the language used by testators in leaving bequests has been much more guarded since the passing of the Act.

73. *Chairman.*] How, in your judgment, is a Roman Catholic to act, or how is he to express himself, if he desires to leave for pious purposes, in trust or otherwise, a certain sum to the Bishop of his diocese, say to the Roman Catholic Archbishop of Tuam for the time being, having a general confidence that the Archbishop, or his successors, will be equally worthy to administer the trust; in what words is he to specify the person holding that dignity, the expression of that dignity being prohibited under the Ecclesiastical Titles Act?

I apprehend in some circuitous way such as this: "To the person who for the time being shall exercise spiritual or ecclesiastical jurisdiction in Tuam," or any other locality.

74. And that would not go against the provisions of the law?

I am not aware that the case has ever been tried, but I know that circuity is constantly resorted to, to avoid bringing it within the law.

75. Earl of *Harrowby.*] But in regard to ecclesiastical jurisdiction, how would you distinguish between Roman Catholics and Protestants?

"The person who is the Roman Catholic Bishop, and should for the time being be exercising spiritual jurisdiction;" I should have added those words; but no doubt that the result has been that circuity of that kind has been resorted to in carrying out the intentions of testators.

76. But the lawyers habitually make use of that phrase, and find no difficulty?

The case has not been tried; I am not aware that the next of kin have come in and claimed a bequest as against the parties, and I do not know what the decision of the court of equity would be if they did; it is not competent for me to say that.

77. *Chairman.*] Is there any other case which you desire to bring before the Committee?

None that occurs to me at present with which I need trouble your Lordships.

78. Is there any other remark which you wish to make as to the operation of the Ecclesiastical Titles Act in Ireland, or as to the clause in the Roman Catholic Relief Bill?

None, except my own opinion, whatever it be worth, that I think it has acted harshly upon the Roman Catholic prelates of Ireland; and that as in the instance I gave your Lordships, it has had a tendency to bring Roman Catholic officials, like myself, into unnecessary collision with the Bishops of their own communion.

79. Of that, however, you have only given us a single instance?

But those might have been multiplied. That instance to myself was a painful one, because I felt that there was collision between my conscientious recognition of the Bishop of my church and my duty to the Government, whose officer I was.

80. Are you able to give the Committee any opinion as to the effect which that Act has produced on the feelings of Roman Catholics of authority and position in Ireland?

It has caused considerable estrangement between the Roman Catholic Bishops and the governing powers, whether they may have been Whig, or Conservative. No doubt it has operated largely to estrange the Roman Catholic hierarchy, and I may say that, from the time of the passing of that Act up to the time of the recognition of Cardinal Cullen, as Cardinal, the Roman Catholic Bishops have severed themselves from attending the Lord Lieutenant's levees, because they felt that they could not, and would not, be recognised in their proper capacities.

81. Earl of *Harrowby.*] Are you aware that during the Maynooth inquiry no Roman Catholic would communicate with them in consequence?

I am not officially aware of it; I have heard it stated so, but I can say that the general state of the law in Ireland has been one to exasperate and wound the feelings of Roman Catholics.

82. You are aware that the feeling is greater in Ireland than in England, inasmuch

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inasmuch as it was retrogressive there, the titles having been all previously recognised?

Yes; for instance, I believe that by the Church Temporalities Act, the Archbishop of Tuam, who had been previously Archbishop, is now only Bishop of Tuam; and therefore, I believe Archbishop M'Hale's assumption of the title would not have been a contravention of the Catholic Relief Bill, but it became a contravention of the Ecclesiastical Titles Bill.

83. *Chairman.*] The same remark applies in exactly the same manner to the diocese of Cashel, there having been an Archbishop previously?

Precisely so.

84. Duke of *Somerset.*] As I understand you, you think it a grievance that a Roman Catholic Archbishop should not sign himself, for instance, "Archbishop of Tuam"?

It depends upon what a grievance is.

85. But is that what you, as a Catholic, understand as a grievance?

I do.

86. But as a Catholic and as a lawyer, can there be two Bishops of the same diocese?

I apprehend that there could be a designation found for each.

87. I understood you to say, that the Bishop of Tuam desired to be recognised as the Bishop of Tuam?

Manifestly a bequest to the Bishop of Tuam would pass to the Protestant Bishop of Tuam.

88. But do you think that the Catholic Bishop of Tuam should be recognised by the State as Bishop of Tuam?

It would be very hard, perhaps, to hold that precisely the same designation should be applicable to two persons, because it might bring them into frequent collision; but I can quite imagine a designation that would meet all the necessities of the case, and still recognise the spiritual jurisdiction of the Roman Catholic Bishops by the names of their respective dioceses.

89. If it has been stated before the Committee of the House of Commons that the Catholic Bishops object to being called Roman Catholic Bishops of a place, could you suggest how that difficulty is to be met?

Perhaps if you left out the word "Roman," they would have less objection to it.

90. Then they would be called the "Catholic Bishops"?

They frequently are so called.

91. *Lord Archbishop of York.*] Would you not, by that mode of designation, give rise to another grievance, as other Bishops claim the title of "Catholic"?

I have no hesitation in telling your Lordships, from my experience of the operation of the Ecclesiastical Titles Act, that it has grated against the feelings of the Roman Catholics, and that it has produced a large amount of estrangement between them and the authorities of the State.

92. *Lord Privy Seal.*] Has that grated upon their feelings more than the law which was passed at the time of the emancipation?

Of course that wounded their feelings very much at the time; but, as I stated just now, the Archbishop of Tuam could have, under that Act, continued to call himself Archbishop of Tuam, because it did not come into collision with a title of the Established Church; but the moment the Ecclesiastical Titles Act passed, even though it did not come into collision with the recognised title by law, he instantly brought himself within the operation of that statute.

93. *Lord Bishop of London.*] That is more an accident in the case of Tuam, but it would not hold, either with regard to Dublin, or Armagh?

No.

94. How should you propose, then, that those people should be designated, in order to avoid difficulty in the Charity Commission, because, if money were left to the Archbishop of Dublin, it would go to Dr. Trench, would it not?

It would, certainly.

95. How

95. How could you propose to remedy that in the case of Armagh?
I have not given sufficient consideration to that, to be able to give any opinion, but I should say "to the Catholic Archbishop of Armagh"?

96. But why should you not say "to the Roman Catholic Archbishop of Armagh"?
I do not know. There is some feeling that the word "Roman Catholic" is a term of reproach.

97. Supposing it was "to the Catholic;" that might raise the question as to who was the Catholic; you are aware that the name "Catholic" is claimed by ourselves?
I am aware that it is claimed.

98. However, if you say that there is a grievance, are you not bound to find some mode of getting out of the difficulty, and if no mode can be found the grievance must remain.
I have not applied my mind to consider that difficulty, or the solution of it sufficiently. I did not think that I should be questioned by your Lordships upon that point; but I certainly do say that the law, which at present exists as a law, has been received universally in Ireland as one which is needlessly hurtful and offensive.

99. Earl *Granville.*] With respect to those designations, would not the repeal of that clause in the Emancipation Act, and of the whole of the Ecclesiastical Titles Act, leave Ireland exactly in the position in which it had been for a great many years, without any practical inconvenience or complaint?
I do not see any practical inconvenience whatever in sending them back to the *status quo ante.* I am quite clear upon the point, that the return to the state of things before the passing of the prohibitory clause of the Relief Act, and of the Ecclesiastical Titles Act, would subject us to no practical inconvenience in Ireland.

100. *Lord Bishop of London.*] Do you think that, before the passing of this Relief Act, and this clause, bequests were made to persons under the name of "the Archbishop of Dublin"; for example, meaning the Roman Catholic Archbishop of Dublin?
I have heard of a case in which the late Dr. Whately claimed a bequest when it was left in that way; but I believe that, upon his being convinced, by Archbishop Murray, that the testator was himself a Roman Catholic, and clearly intended the bequest to be for Roman Catholic purposes, though he vindicated himself and his legal right to receive it, he handed it over. I am not officially acquainted with that case, but I believe that such a case occurred.

101. I understand you to say that, before the passing of the Relief Act, cases of this kind might occur which might give rise to great difficulties?
I do not think that the difficulties were felt at the time; I was very young at the time of the passing of the Catholic Emancipation Act, and of course I am not able to speak upon the subject, but I apprehend that those difficulties were not felt practically.

102. *Chairman.*] But this case to which you have referred about Archbishop Whately and Archbishop Murray must have been subsequent to the passing of the Roman Catholic Relief Act, because Archbishop Whately was not a prelate of the church until after the passing of that Act?
It must have been so; I have no official or personal knowledge of the case, except that I have heard that such a case did occur.

103. Lord *Lyveden.*] A noble Lord has asked you how you would get rid of the difficulty of two Bishops having the same title. I suppose your only way of getting rid of that difficulty would be to get rid of the Act?
I would get rid of the Ecclesiastical Titles Act, and also of the 24th section of the Catholic Emancipation Act.

104. And you do not think yourself called upon to suggest any other mode of solution?
I did not think that I should have been called upon by your Lordships to suggest any solution.

105. *Lord Bishop of London.*] But you seem to be of opinion that the difficulty

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difficulty would exist, even if those two clauses were repealed. If two men claim the same office, and the bequest is left to the office by name, how is the difficulty to be got over, unless you separate their designations?

I presume that, before the passing of the Roman Catholic Relief Act, those were every day occurrences, and must have been got over in some way or other. I am not aware of any practical difficulties having been experienced.

106. Are you aware that bequests were left to Roman Catholic Bishops, under the titles of Bishops of Dioceses, before the passing of the Roman Catholic Relief Act?

I am not aware; but supposing the Ecclesiastical Titles Act were repealed, and the prohibitory clause of the Roman Catholic Relief Act were also repealed, I think it would be very much a question of construction for a court of equity whom it was intended to designate; and I think it would practically come round to whether the testator was a Roman Catholic or a Protestant, if either Bishop claimed it.

107. *Chairman.*] It has been stated in the evidence before the Committee of the House of Commons, which has now been communicated by the House of Commons to the House of Lords, that since the passing of the Ecclesiastical Titles Act, Roman Catholic Bishops have systematically withdrawn from any board of education, or from any intercourse upon the subject of combined education with members of the Established Church; do you know anything, of your own knowledge, upon that point?

Not of my own knowledge; but I think the circumstance of Cardinal Cullen having himself gone to a Lord Mayor's banquet to meet the Lord Lieutenant, and, within the last few days, to the Castle of Dublin to meet the Prince of Wales, when he was placed above the difficulty of the Ecclesiastical Titles Act by becoming Cardinal, is a proof in itself that his not having previously gone arose from the fact that he felt the difficulty of his *status*.

108. Lord *Colchester.*] What, in your opinion, would be feeling of the Roman Catholic population, supposing that the Roman Catholic Bishop of Kerry were designated, for instance, "The Right Rev. Bishop Moriarty, commonly called Bishop of Kerry," as is done in the case of courtesy titles in England?

I think that it would be one way of solving the difficulty; but I am not able to speak, of course, for the Catholic Bishops or for the Catholics of Ireland.

109. You stated, did you not, that some designations would be regarded as offensive, and that the Roman Catholic Bishops would object, for instance, to be designated, or to designate themselves, as "Roman Catholic" Bishops?

I am not able to say whether that solution of the difficulty would meet the views of the people.

110. I see that it was stated before the Committee of the House of Commons, that it was usual to style a Bishop of the Roman Catholic Church as "a Bishop exercising spiritual jurisdiction" in a certain locality; did that ever lead to any difficulty and ambiguity, so far as you are aware, in distinguishing between the Bishops of the Established Church and the Bishops of the Roman Catholic Church?

I never heard of any practical difficulty arising from that.

[The Witness is directed to withdraw.

The Right Honourable Sir WILLIAM PAGE WOOD, Lord Justice of Appeal in Chancery, is Examined, as follows:

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111. *Chairman.*] YOU were, I believe, a Member of the House of Commons at the time of the passing of the Ecclesiastical Titles Act?

I was.

112. Since that time also, and more especially in your judicial capacity, have you had opportunities of observing its operations?

I have had no case whatever in which the operation of the Act has been brought before me judicially.

113. Have

113. Have you had occasion to consider its working ?

I have had nothing to do with its working. The subject would not be very likely to come before me. The only possible way in which it would come before me would be in the case of a gift or bequest to a person assuming one of those titles, and no such case has occurred to me.

114. Do you consider that the position of the question has changed since the passing of the Act?

It has not struck me that it has materially changed since the passing of the Act. I might mention that, when the Bill was first introduced, I did not fill any official capacity in the House of Commons; but during its progress I became Solicitor General, and therefore I was not responsible for the actual framing of the Act, though I undoubtedly supported it before I was, or had any probability of becoming connected with the Government.

115. Has the operation of the Act been anything like what you expected it would be ?

So far as I have been concerned, it has been completely what I expected. If I had had anything to do with the framing of the Act, I should have been perfectly content with simply the first clause, which says that any bull or authority of the Pope with regard to the constitution of Sees, or any assumption of titles, is illegal and void. I should rather have preferred, if I had any voice in the matter, the omission of the penal clauses altogether, considering, as I did at that time, and as I do so at this time, that the Act was meant as negativing a distinctly and clearly assumed authority on the part of a foreign potentate.

116. Then, since the Act has been passed, there has been no attempt made to enforce the penal clauses ?

I think not. I never thought that they would be enforced. I considered the Act more as a protest than as being likely to fulfil any other function.

117. Does it seem to you objectionable that there should be on the Statute Book penalties against an imputed offence, which penalties it is never attempted to enforce ?

As regards the penalties, I thought then, and I think now, that it would have been wiser if no such penalties had been included in the Act, and if it had been simply declared that the constitution by a foreign power of any authority having jurisdiction in this country was null and void.

118. But I gather your opinion to be that the act of legislation should be confined to a protest against the assumption of these titles, but that it should not impose penalties on their assumption ?

If it were necessary, of course the simple act of declaring the assumption of such titles to be illegal would enable a proceeding to be taken against persons contravening the Act of Parliament for misdemeanour. The contravention of the precise enactment of an Act of Parliament is in itself a misdemeanour, and it would have been quite sufficient, I think, to have left it there. It was not probable that the judges would have been called upon to apply the Act, but the declaration was desirable in two points of view: in the first place, as giving notice to a foreign potentate that the course he had taken was irregular; and, no doubt, if there were any diplomatic relations between the two courts, he would never have taken such course; and on the other hand it would have prevented the Roman Catholic subjects of this realm from being placed in a very false position, by its being supposed that a jurisdiction was conferred to which they would be bound, when, in truth, no such jurisdiction could possibly be conferred.

119. You think that that would have been wiser than imposing a specific penalty of 100*l.* for each offence?

I think it would have been very much wiser; and I believe that the penalty of 100*l.* would never have found its way into the Act (it was there when I had to take it up as Solicitor General) except for the previous clause in the Roman Catholic Emancipation Act of 1829, where the same penalty is enacted.

120. *Lord Chancellor.*] Let me remind you of the precise wording of the first clause, with which I understand you to say that you would have been well satisfied to have stopped. It runs thus: "All such briefs, rescripts, or letters apostolical, and all and every the jurisdiction, authority, pre-eminence, or title

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conferred or pretended to be conferred thereby, are and shall be and be deemed unlawful and void." An objection has been taken to that section on behalf of some dignitaries of the Roman Catholic Church, as I understand their evidence, of this kind: they say that it does very much more than strike at the assumption of a title or the carving out of a diocese, and that it makes the brief, rescript, or letters apostolical, or affects to make it, and the jurisdiction given by it, unlawful and void. They say, as I understand them: "We have a brief or a rescript which contains a great number of things, dealing with various matters of discipline and regulation of the Church, and, among other things, conferring the title of Bishop, and mentioning a particular diocese. We do not agree with you, that even as regards the title of Bishop of a diocese you have any right to legislate about it; but, passing that by, you affect to make the whole brief rescript, and everything in it, void." I understand that to be one objection that has been made?

The material word there is the word "jurisdiction."

121. I have no doubt that was the idea that was in their minds?

The preamble says that certain persons have assumed to themselves titles under authority given them "by certain briefs, rescripts, or letters apostolical from the See of Rome, and particularly by a certain brief," which is mentioned. Then the first clause says, "All such briefs, rescripts, or letters apostolical, and all and every the jurisdiction and authority, pre-eminence or title conferred or pretended to be conferred thereby, are and shall be and be deemed unlawful and void." If there were any such difficulties as suggested, it appears to me that it would be very easy to remedy them on the part of those who issued the brief or rescript, by taking care that the part which they wished to be valid should not be mixed up with what was invalid.

122. But I understand that to be one of the objections made; that you have no right to go beyond the particular thing which you want to deal with, and that you have no right to throw any slur or cloud on the rest of the document?

That does not strike me as being a very valid objection. The Act is simply dealing with those bulls and rescripts as professing to confer authority. If anything else has slipped into that bull or rescript inadvertently (and I suppose that it can only be inadvertently that it can have been done), then of course the only remedy would be to have a new bull or rescript without the objectionable matter.

123. Have you ever considered whether the question could be dealt with by taking the particular thing which has caused so much offence in this country; namely, the assumption of the title, as a title of honour and dignity, by any church other than the Established Church, and the apparent creation of a diocese, or the adoption of a diocese already created, and declaring that such assumptions are invalid, and perhaps unlawful; and by resting the protest upon that, not by way of enactment, but by way of a declaration of the law of the country; not saying anything at all touching the document in which the thing is done, but treating it as a thing which may be done either by a document or without a document?

Of the two, I confess I should have very much preferred this enactment in the first clause, which would have declared these letters apostolical, and the jurisdiction thereby conferred, to be invalid. I should not myself so much care about the second clause, which proceeds to the taking of titles and makes that penal; but it does appear to me to be of very great importance to retain a decided declaration, that any jurisdiction pretended to be conferred by any foreign potentate, and by any instrument executed by him, is invalid. The principal end of that Act would not have been obtained if it had simply declared that the taking of titles would not be valid. With the permission of the Committee, I will illustrate that by one single proposition. I took pains, of course, to refresh my memory before coming here, and I looked at the debates on the subject which took place at the time. I may instance as an illustration, the jurisdiction which we are allowed to exercise by the Sultan in Turkey over our own subjects. He would have great reason to complain of any instrument being issued by us, saying that we give our consul at Smyrna jurisdiction over the town of Smyrna, whereas that objection would not apply if we only gave jurisdiction over the English inhabitants of Smyrna; but since then

a much

a much more important and apposite illustration has occurred to my mind, of the Privy Council having now determined that the attempt to confer jurisdiction by letters patent upon a Bishop in a colony where there exists already a Government established by the consent of Her Majesty, is null and void. It appears to me that no Government would advise Her Majesty to grant other letters patent in exactly the same form, and again conferring jurisdiction, after that jurisdiction had been declared to be void; and that is just the position which this country seems to me to be placed in as regards those titles, only upon higher grounds; *i. e.*, a foreign authority attempting to confer jurisdiction within its boundaries.

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124. That is, assuming that those briefs or rescripts, when looked at, would appear to confer coercive jurisdiction?

They purport to confer jurisdiction of some sort, whatever it be; and that is very embarrassing to those who conceive themselves bound to submit to that jurisdiction, when in reality no such jurisdiction does or can exist in this country, and it is quite impossible that it should exist.

125. *Lord Archbishop of York.*] As a matter of fact, the jurisdiction is exercised, and the Romish Canon Law, with or without this Ecclesiastical Titles Act, is operative in this country, and is constantly in operation, is it not?

It would not now be recognised. The difference, I apprehend, would be this: that if you were simply to sweep away this declaration, a question might be raised and argued, perhaps with considerable chance of success, before our civil tribunals, as to whether or not with a bull professing to confer jurisdiction, the Roman Catholics, who submit to the authority of the Pope, would be held by our tribunals as bound by that to which their consent, either expressed or implied, would be given, in the same way as we allow authority to the decision of the Wesleyan Conference, and of the governing authorities of various other religious bodies of that kind. The judges could not now look upon the Pope as having power to impose authority, even upon the religionists who might be supposed to be willing to submit to his jurisdiction.

126. Let me put this case: a Roman Catholic priest is suspended by his Bishop; he considers that his suspension is not in accordance with the Canon Law; he has an appeal to the Pope in that case; but supposing his civil rights were affected, would not a court of law in this country entertain his case?

I think it would be open to great difficulty, even with regard to the old statutes of provisors of the 25 Edw. 3, the 13 & 16 Rich. 2, and an Act in the early part of the reign of Hen. 4, which do expressly prohibit the interference of the Pope, to say nothing of the last statute of Hen. 8, which expressly forbids appeals to the Pope.

127. Supposing, for the sake of argument, that this was a case where a priest was deprived by his Bishop (you are aware, of course, that the Bishops of the Romish Church have much greater power than our own Bishops), and he preferred not to appeal to the Pope, but applied to a Court in this country to redress a supposed unfairness: would not the Court entertain that application as it would entertain a question amongst the Wesleyans, which arose from consensual jurisdiction?

It would, no doubt, apply all those principles until it found itself stopped by some Act of Parliament; but I think it would be a very great question whether some of the earlier Acts of Parliament would not stop the action of the Court.

128. If the other Acts are not effectual to stop the jurisdiction, this Act stops it, does it not?

This Act says at once that everything done or attempted to be done under this jurisdiction is void; so that if the Roman Catholic priest who was claiming his position was alleged by his adversary to have been displaced by the act of the Bishop of the diocese, this Act of Parliament would at once interfere, and say, "That Bishop has no jurisdiction over you."

129. But then that puts the Roman Catholic body in so very bad a position that I question whether it could be maintained in all its fullness?

The Roman Catholic body, when they existed in the fullest state of submission to the Pope, as Englishmen, thought it was desirable to be placed in that

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position by the statutes to which I have adverted. The people of this country have always been extremely anxious, even when acknowledging most distinctly the spiritual jurisdiction of the Pope, to prevent his tyranny by way of jurisdiction over them as regarded any matter concerning the temporalities.

130. *Lord Chancellor.*] But supposing there were some trust created of property in this country, which was either to be administered or enjoyed by some person who was described as a priest of the Roman Catholic faith, performing his functions at some particular place; and supposing the trust to be a chapel there, with some land and a residence attached to it, and that in the administration of the discipline of the Roman Catholic Church that priest was displaced, and prevented from performing any of his functions, and ousted from that post altogether, and he appealed to one of the courts of common law, or to a court of equity, to be maintained in the enjoyment of that property, would not the court of equity have cast upon it the duty of determining what was the Government, *de facto*, of the Roman Catholic Church, and whether, in accordance with the principles of that Government, he had been rightly or wrongly displaced; and if it found that the Government of that Church was, *de facto*, such that the Bishops and Archbishops of the diocese, either of their own authority or acting under orders from Rome, had displaced the person in question, according to what was the established custom of their Church, would not the court of equity be obliged to recognise it?

I should think the Court would at first consider the matter independently of any existing statute, and that it would then adopt the rule which your Lordship has mentioned, which is a well known rule amongst us, of entirely abiding by the regulation of the religious bodies who apply to us for assistance. Having done that, the next question would be, whether there was any Act of Parliament prohibiting this particular religious body from introducing a special authority of a particular character, and if the Court found such an Act, as, for instance, an Act of Parliament saying that he who is alleged to be the Bishop of the diocese cannot be the Bishop of the diocese, then it would say, "You cannot exercise that authority."

131. Supposing that in a proceeding, such as I have endeavoured to indicate, nothing necessarily might transpire as to the title of a Bishop of a particular diocese; supposing that it happened that A. B., *de facto*, was the Bishop to whom, according to the orders of the Church, that priest was subject, would the Court go into the question of whether he called himself Bishop of one diocese or another?

Not simply if it was a mere question of names; but I assume it, of course, to be a hostile case, and a case, therefore, in which everything that it may suit either party's purpose to bring forward will be brought forward; and, therefore, that the person who is desirous of invoking those statutes will inform the Court that he is only displaced by an alleged Bishop of the diocese. He would, perhaps, produce the bull creating the Bishop of the diocese, and he would say, "That is the thing that displaced me;" whereupon the Court would say, "If that be the case, you are not displaced, because that authority is null, and we cannot look upon it as valid."

132. Do you consider that this Act was intended to interrupt and prevent the exercise of jurisdiction by a Bishop of the Roman Catholic Church over a clergyman of the Roman Catholic Church, that is to say, such jurisdiction as that Church contemplates and admits of?

I think it was intended to prevent their exercising it in that way. A great deal of the discussion in the debates upon the Act arose upon this; it was over and over again said, "Why do you not content yourselves with the authority you have hitherto had as Vicars Apostolic, but presiding over the see of Heliopotamus and other foreign sees?" (I think that was the see chosen before the late Cardinal Wiseman was made Archbishop of Westminster), and the question was constantly asked, "Do you wish to prevent our exercising authority over our own people?" The answer of those who supported the Bill was, "Not in the least; but do not claim that authority in the shape of jurisdiction over a territory, claiming it by virtue of your power within that territory, not claiming it merely as applied to Roman Catholics, but over every

every baptized Christian." I will remind your Lordship of it in this way; it was said, "But is the difference after all only this" (I think Mr. Roebuck raised the question) "whether there is a Bishop in Yorkshire, or a Bishop of Yorkshire?" The answer was distinctly that that was the difference. I might say, for instance, that the Emperor Napoleon would be an Emperor in England while on a visit to Her Majesty, but he would not be Emperor of England. The letters patent I remember were very carefully drawn in the case of the Bishop of Jerusalem, as contrasted with these establishing the Colonial Bishops (I may say that I had nothing to do with the drawing of them). We popularly call him Bishop of Jerusalem, but these letters patent call him very properly a Bishop in Jerusalem. In the patent drawn for the Bishop of Gibraltar, on the other hand, he was very properly called the Bishop of Gibraltar, Gibraltar being part of the dominions of the British Crown. It was considered, of course, desirable to leave to the Roman Catholics the management of their own affairs, and for that reason the object of the statute was to say, "Do not manage them under an assumed territorial jurisdiction which this bull has conferred." I was myself, when I became Solicitor General, in frequent communication with Roman Catholic gentlemen who took an interest in the matter, and with whom I was desirous, if I could, of agreeing, and I said, "Now, how far can we agree? Would it do if you were called the Bishop of the Roman Catholics in the diocese;" say "of Westminster?" (I went as far as that) but no, that would not do. At last they said, "This will do: 'Roman Catholic Bishop of Westminster.'" But they insisted most strenuously upon having the territorial designation kept to them.

133. *Lord Archbishop of York.*] Are you aware of the form of a Papal bull or rescript which makes a Bishop in the colonies?

I am not. I believe there is not a Roman Catholic country in all Europe which allows any bull to issue without the *placet* or *exequatur* of the Sovereign.

134. Duke of *Somerset.*] It has been stated that the grievance that Catholics feel is being kept in a state of apprehension that the law may at any moment be made operative. For instance, it is said that if the magistrates appointed a Roman Catholic chaplain to a prison, any magistrate who objected to the appointment might say that he wanted to be assured that the gentleman appointed was really a Roman Catholic chaplain and had authority, and that he would call upon him to produce the papers showing his authority to act as Roman Catholic chaplain; and if the chaplain produced the papers, those papers would themselves necessarily be signed by the Bishop, and would convict the Bishop of having violated the law, and that that therefore is a practical grievance. What is your opinion upon that?

In the first place I do not know whether the Bishops themselves do violate the law in that respect, but my own impression has been very strongly that the law has been very little violated. The law is, that the Bishop shall not assume this title, and every document that I have seen emanating from one of those Bishops, invariably does not assume the title, though when he publishes a book, for instance, the bookseller puts the title. Archbishop Manning, for instance, constantly signs "Henry Manning." I have seen several of his letters in newspapers and elsewhere, signed "Henry Manning, Archbishop."

135. I see it was stated by Mr. Hope Scott in evidence before the Committee of the House of Commons, that if such a chaplain produced the paper, it would begin in this way: "*Thomas, Dei et Apostolicæ Sedis Gratiâ Episcopus Southwarcensis*" (or of any place that he was Bishop of); and that the production of that paper would necessarily involve the Bishop in a violation of the law?

I do not think that it would so involve him; of course it is a nice point upon enquiry as to how far you could prove the publication to be by authority of the Bishop.

136. It would be under his hand, if he subscribed his name. It would be evidence against the Bishop that he had assumed a title, and it would be evidence of the exercise of a jurisdiction, which by the Act is declared to be illegal and void?

Yes; but then what would be the grievance if he were ordained by this Bishop, simply *quâ* Bishop, by the authority committed to him as Bishop.

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Any Bishop may ordain anywhere. As far as conferring spiritual power is concerned, an ordination by a Bishop is sufficient. A Bishop may be wrong in ordaining out of his own diocese, without letters dimissory, but still the ordination is good.

137. Without his stating of what place he was Bishop?
Yes.

138. *Lord Chancellor.*] No doubt the ordination would be good, because the *jus ordinis* may exist; but they say that according to the law of their church, the Bishop never does exercise his functions, except with reference to a particular limit of district, and it is shown upon the face of everything he does, that he is exercising his powers within that district?

I think that the real answer to that question is, that if the Pope and the Bishops do insist upon having jurisdiction within a territory and district, and if that be thought just, of course they have a grievance; but there would be no difficulty in the Pope making every one of them Vicars Apostolic as well as Bishops. Gregory the Sixteenth had constituted Vicars Apostolic, and had constituted them as persons to minister among the Roman Catholics of England; whereas Pius the Ninth in his bull said he governed England, and appointed those persons to govern England. That is the thing which was thought objectionable. But there is no real grievance as to their carrying on their functions. I for one do most warmly protest against being supposed to wish to interfere with my fellow Christians. I should not much mind whether they were the established religion of Ireland or not; and I do protest against being supposed to wish in any way to affect their exercising their religious principles in any way they think fit. The only question in my mind is the political question, which justified, in my opinion, the Act in question.

139. *Lord Archbishop of York.*] In other countries which are Roman Catholic they carry that principle of the division of districts so far, that no Bishop will ordain a person born in another diocese without the sanction of the Bishop of the diocese in which the person was born and baptized; that being so, it would be a hindrance to their system if in one country in Europe they were obliged to frame their law differently, and to strike out all which related to that particular rule or custom?

Yes, they would wish to have it so, no doubt. It is of no use to mince the matter; they insist on being Bishops of dioceses, with territorial jurisdiction; and if it is right that they should have it, I agree that they have a grievance, but I do not think it right now, any more than it was thought right in the time of Richard the Second.

140. Duke of *Somerset.*] You think, as I understand, that they might have gone on after the year 1850, as they did before that period, for 230 years, as Vicars Apostolic?

Yes. I do not see why in the year 1851 this grievance should have become particularly prominent.

141. *Lord Chancellor.*] But those Vicars Apostolic had some particular limits to their jurisdiction, had they not?
Quite so.

142. Then, as regards the political aspect of the matter, was there any difference in the offence, whether it was done in the shape of giving a certain jurisdiction to Vicars Apostolic or to Bishops?

In the bull of Gregory XVI., it was "over all the Roman Catholics."

143. But the later Popes changed it, did they not?

They changed it when this bull came out, giving territorial jurisdiction; then Cardinal Wiseman said that he governed Essex, Hertford, and Kent; and the Pope said that he governed the realm; but up to that time there had only been Vicars Apostolic limited to jurisdiction over all Roman Catholics within such places.

144. *Chairman.*] It was a change of title more than a change of jurisdiction, as I apprehend?

It was important in this way, that it only affected jurisdiction over Roman Catholics. It was all very reasonable that the Pope should have his ordinary spiritual

spiritual authority over them, but it did not affect to confer jurisdiction over any territory.

145. But Roman Catholic Bishops can have no jurisdiction, except over those who, by community of religion, acknowledge their jurisdiction; and, if that be so, I apprehend that it is only a difference of title, and not of jurisdiction, between the Vicar Apostolic of former times and the present Bishop, who is named by the Pope, in England?

Supposing, without saying anything on the subject we are now discussing, that you established the Church of Rome in Ireland; then I apprehend that you would find that all those territorial jurisdictions would have a very different effect indeed from anything like a simple government of all the Roman Catholics in the district; you would find then that the Pope would be claiming, and perhaps not unreasonably, authority over all baptised persons, as in other countries.

146. *Lord Bishop of London.*] Do you consider that the word "jurisdiction," as used in those bulls, means coercive jurisdiction?

As far as the Pope can give it.

147. And that during the times of the Vicars Apostolic it was not a coercive jurisdiction, but only jurisdiction over the Roman Catholics who were willing to accept it?

Only over the Roman Catholics who were willing to accept it.

148. *Lord Chancellor.*] But if the instrument creating Vicars Apostolic gave jurisdiction over the Roman Catholics, did not that mean, as far as they could, to give coercive jurisdiction over Roman Catholics?

I suppose, on an appeal to the Pope, he would have ordered such and such things to be done.

149. Then that was almost as contrary to our constitution, and to what is legal and proper, as if the Pope were to give a Bishop jurisdiction over every one?

I think it would be simply this: "I, the person whom you recognise as the chief authority in your spiritual matters, send a person who is to preside over your section of that particular body of which I am the head." It appears to me that that is an exceedingly different position from saying, "I send you to exercise authority over the whole of that district, with every possible reserved claim" (and we know pretty well what the reserved claims of the Church of Rome are in these matters) "which will follow from your being placed in that position, with a jurisdiction over a district rather than over persons." I will mention one instance in this point of view. I believe that the Romish Church recognises the doctrine of what is commonly called "mission." A Bishop requires not merely consecration to the spiritual position in which he is placed there, but to be over a district he ought to have also "mission," which means the concurring authority of the State. There is no full and direct mission in a diocese without there being a lawful position for the Bishop in that diocese. A Bishop having mission, or several Bishops having mission, may meet in synod, and may pass their acts in that synod in proper form. It might be a very serious question, even among themselves, whether, if a number of Bishops met without mission, they would have the power to constitute a legal synod.

150. Duke of *Somerset.*] I have before me the brief of the Pope, and I find that the Letters Apostolic issued by Gregory the Fifteenth, on the 23rd day of March 1623, say, "He had taken the opportunity of appointing William Bishop, consecrated to the See of Chalcedon, a Bishop with ample faculties and with the power of a Bishop in ordinary to the government of the English Catholics in England and Scotland?"

That is the old form.

151. That form is apparently unobjectionable?

Nobody ever objected to it, and I do not think anybody ever would object to it.

152. While they have adopted another form in England, in Scotland they have left the Scotch Catholics under Vicars Apostolic, as I understand?

I believe they have up to this time.

 153. Therefore,

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153. Therefore, that which was said to be so necessary for the good government of the Catholics of England was found not to be necessary for the good government of the Catholics in Scotland, where the feeling would have been much stronger against this proceeding?

I cannot fathom their reasons, but very possibly it may have been so.

154. Earl of *Harrowby.*] Would the position, in regard to any question among the Roman Catholics themselves, be different before an English court of law, according as the authority might be episcopal, or emanating from a Vicar Apostolic?

I do not apprehend that it would be so at all without those statutes. Of course, if there was nothing to declare the mode in which the Bishops were constituted to be a void proceeding, then my opinion is that we should only have to inquire whom, by a *quasi* contract they had recognised, and by whose decisions they had agreed to be bound, just as you would be bound by the decision of an arbitrator.

155. That would be the same with regard either to Vicars Apostolic or to Bishops, would it not?

It would be the same with regard to Vicars Apostolic or to Bishops.

156. So that the position of Roman Catholics would not be altered in a court of law, whether they were under Vicars Apostolic or under Bishops?

Not in the least.

157. Is there any difference in this respect, that where there is a Vicar Apostolic there is more immediate dependency on the Court of Rome, and that where an episcopate is established there are rights as against the Bishop?

I am not sufficiently acquainted with their constitution to be able to answer the question. That point was discussed a great deal in the House of Commons, and I have read all the debates upon it; but I do not myself know enough about it to speak with any authority upon the point.

158. It was said at the time that this bull was to give a greater protection to the English Roman Catholics than they had enjoyed before, and that they could then appeal to the canons of their church, which, under the exceptional government of Vicars Apostolic they could not do?

I remember that being said; but they have gone on 200 years and more without it. I again say, that I should be very glad if all those penalty clauses could be swept away; they have an offensive aspect, which I think is unworthy of the occasion.

159. Earl *Granville.*] You stated that so far as your personal opinion went, you would have preferred the Bill being drawn simply with the first clause in it, and with nothing afterwards; does that apply to an alteration at the present time; do you think that this Bill being rightly or wrongly considered offensive by a very large number of British subjects, and it being stated by them, and admitted by us to be practically inoperative, it would be worth while to alter the Bill now if you did not intend to repeal it?

I think it might not be worth while to alter it; and if you repeal it, you certainly would exceedingly embarrass those Roman Catholics (of whom I believe there are not a few of the old school) who are not Ultramontanes, and who entertain at this moment the same views which their ancestors, in the time of Edward the Second and Henry the Fourth, entertained as to the introduction of the papal authority, because you would seem to give direct sanction to a jurisdiction under which they would not be particularly pleased to be put.

160. Are there many Catholics who acknowledge that opinion?

I should say that there are some, but there is a great difference among them. Everybody knows that the Ultramontanes are in a large majority throughout Europe.

161. As you have introduced the point of the feeling of the Roman Catholics, do you not think that it is likely that there would be much more opposition to Ultramontane views shown by Roman Catholics if it was not that certain things which the great majority of them think offensive to their religion bind them now

now into one mass, which would very likely be dissolved if you took away those grievances?

It may very possibly be so.

162. *Lord Archbishop of York.*] What would be the effect of the repeal of this Act upon the law of the case; would it then become lawful for any foreign power to give territorial titles and territorial jurisdiction in England?

You would still get into this sort of awkward difficulty: that any court before whom the question might come would have to consider not what the effect of the repeal of this Act would be, but what would be the effect of those old statutes which still stand, and therefore you would be driven back to those antiquated Acts of Parliament. I should suppose that anybody repealing this Act would think it right to repeal those old Acts also, and if those were repealed, I think you would impress, at least upon the Roman Catholic mind of this country, a notion that the Pope had a very much more extensive jurisdiction than he ever could have exercised when he had greater authority in this country.

163. *Chairman.*] As a matter of fact, have not those old statutes been included in the recent repeal of obsolete statutes?

Your Lordship refers to the several recent Acts for the repeal of obsolete statutes, viz., the repealing Acts of 1861, 1863, and 1867. They do not repeal the statutes I have referred to.

164. Lord *Lyveden.*] Before this Act was passed, was it acknowledged to be illegal to assume ecclesiastical titles in this country?

I apprehend not; your Lordships are aware that it was absolutely prohibited by the Roman Catholic Emancipation Act of 1829, but there was some sort of slip, if it be a slip, as to existing sees only being included.

165. But if this law was repealed, you would only return to the position in which you were before?

Yes.

166. Do you agree in this answer of Mr. Justice O'Hagan; he is asked this question in the House of Commons by an Honourable Member; "the fact is, that the law is a dead letter and a sham," and the answer is, "I should be sorry to say that any law was a sham, but this, certainly, is a dead letter"; do you agree with that answer, that it is a dead letter?

I do not agree with that answer, and for this reason: from all that I have seen, I believe that the Act has been very rigorously observed by the Roman Catholic prelate. I myself have never seen any instrument professing to be signed by a Roman Catholic prelate who assumed a title, and I have seen many professing to be signed by Roman Catholic prelates where they did not assume the title.

167. There has been no penalty ever sued for, has there?

No, but the Act is not a dead letter because of that.

168. And you think that the Act has deterred them from assuming such titles?

They would scarcely be "deterred," but I think they are anxious to obey the law.

169. *Lord Privy Seal.*] But they are very anxious that the Act should be repealed, are they not?

I hear so, but I am not in a position to say how that may be.

170. If they are anxious to have it repealed, what is it that makes them so anxious; is it that they would at once assume the titles which they are not now allowed to assume?

I think, very probably, they would; I quite understand their being very anxious that it should be repealed, from the communications which I had with them at the time. I had private communications with a legal adviser of Cardinal Wiseman at the time as to what would or would not satisfy them, and I found that they were determined to have, if they could, a territorial designation, and that nothing less would satisfy them than a *quasi* territorial description, and no other name, such as "Bishop in that diocese," or "Bishop of the Roman

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Catholics in that diocese," or "Bishop to preside over the Roman Catholics in that diocese" would do, but they wanted the Pope to be able to create territorial distinctions in this country.

171. And they put great value upon that?
I have not the least doubt that they do set great value upon it, and if you give it they will work it as a very important matter.

172. And therefore they do not think the Act a dead letter?
In that respect they do not think it a dead letter.

173. Duke of *Somerset.*] I find that Mr. Harting says, "We take it that there can be but one set of Bishops, and that in England, out of the Roman Catholic Church, there are no Bishops at all. If you ask us to limit ourselves, and to call ourselves by any particular designation, whether it be 'Roman Catholic' or any other designation, it admits of a distinction between ourselves and the existence of another set of Bishops which we do not admit"?
They have gone a little farther than my friend did at the time. In the year 1850 he said distinctly that an arrangement could be come to if they were allowed to be called "Roman Catholic Bishops" of different places; he did not object to "Roman Catholic Bishops." I should think that that hardly would be the view of all parties, because they do not object to being called "Roman Catholics." If they say there can be only one set of Bishops, then, inasmuch as the Crown has conferred jurisdiction upon our Bishops, I still more strongly object to jurisdiction being claimed in their dioceses by so-called Bishops appointed by the Pope, and aknowledging his jurisdiction only.

174. I find the same evidence from Dr. Manning here stating that he should object to being called a "Roman Catholic Bishop"?
Then that is new.

175. That there is a new state of feeling since the time when this Act was passed?
I think I may very confidently say that it is. That is my impression very strongly from what persons would then have been satisfied with.

176. Earl of *Harrowby.*] Are you aware that Bishop Ullathorne before the same Committee said that he should have no objection to such a designation, but that he could not give an answer for all the rest?
I was not aware of that. They allow Greek Catholics to be talked of, and I supposed they would allow Roman Catholics to be talked of.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, at One o'clock.

Die Martis, 28° *Aprilis*, 1868.

LORDS PRESENT:

Lord Archbishop of York.	Earl Granville.
Lord Privy Seal.	Lord Bishop of London.
Duke of Somerset.	Lord Redesdale.
Earl of Stanhope.	Lord Colchester.
Earl of Carnarvon.	Lord Somerhill.
Earl of Harrowby.	Lord Lyveden.

The EARL STANHOPE, in the Chair.

Sir TRAVERS TWISS, D.C.L., Queen's Advocate, is called in: and Examined, as follows:

Sir *Travers Twiss*, D.C.L.
28th April 1868.

177. *Chairman.*] IN the year 1851 you were Commissary General of the Diocese of Canterbury, were you not?
I was.

178. You were the author of a book bearing the author's name, entitled "The Letters Apostolic of Pope Pius IX, considered with reference to the Law of England and the Law of Europe;" and the preface of that work bears the date of January 1851, does it not?
That is so.

179. I observe that the preface states that "The object of this treatise is to examine the late proceeding of Pope Pius IX, in its bearings upon the law of England and the law of Europe. The result of the inquiry seems to show conclusively that the brief in one of its provisions entails a direct violation of the statute law of the land with reference to the title of the see of St. David's, and that in its general object of erecting sees for bishops in ordinary, within the dominions of an independent sovereign without the consent of the Crown, it involves a departure from long established practice, which in such matters constitutes the law; and on either ground the brief is most objectionable;" may this be taken as stating in general the object and nature of the essay?
It does so.

180. In the extract which I have just read, you have adverted to the see of St. David's, which appears to constitute an exception to the general course pursued in the brief of Pope Pius IX; in all the other bishoprics, as I understand it, the object was to avoid naming any see which would clash with the existing sees in the Church of England; but in that single instance of St. David's that course was departed from; can you afford any explanation of that?
Perhaps I ought to explain, in justice to the author of the brief, that the title is properly "Bishop of St. David's and Newport."

181. Therefore, apparently, no exception was intended to be created from the general course of that brief?
I can form no opinion as to the intention, but the title is, "Bishop of St. David's and Newport;" so far there would be a slight difference, assuming that the bishop adopted both titles.

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182. Do you know which title has been since borne by the Bishop?
I cannot speak from knowledge; but my impression is that, if I have heard him spoken of, he has been spoken of as the Roman Catholic Bishop of Newport, but I am not certain as to that.

183. This work was published before the passing of the Ecclesiastical Titles Act, was it not?
It was published before the passing of that Act.

184. Was that Bill such, as in conformity with the principle of your publication you thought most desirable, or did you see at the time any defects in it?
It appeared to me that the Bill proceeded very much after the model of the clause in the Roman Catholic Emancipation Bill; and I presume that Her Majesty's Government at that time adopted that clause as a model.

185. It was probably on that model that the penalty of 100 *l.* was imposed?
Yes; and also I should think the forbidding any title to be assumed. The law, as your Lordships are aware, forbids individuals to assume the titles.

186. But it was also in conformity with the clause of the Roman Catholic Relief Act, that the penalty of 100 *l.* for each offence was inserted?
Yes, and the statute of the 10 Geo. 4, c. 7, had already forbidden the assumption of the title of any Archbishop or Bishop in England as well as in Ireland.

187. I think that I collected from your answer just now, that you consider that the Ecclesiastical Titles Act had proceeded too much upon a desire of preserving an analogy with a clause in the Roman Catholic Relief Act?
If I might venture to criticise the statute, not being myself conversant with the grounds on which it was passed, or the motives which influenced Her Majesty's Government at that time, I should say that it was rather vague, and had gone rather beyond perhaps what was necessary to vindicate the law.

188. *Lord Archbishop of York.*] Does that apply mainly to the second clause, the penal clause?
What occurred to me was that the expression "assuming the title," is rather vague. It does not precisely say in what manner it may not be assumed.

189. *Chairman.*] Would it be held to be an assumption of the title, to receive a letter which was addressed to one by that title?
The words are, "shall assume or use the title." I think that if the letter was claimed by reason of the designation, it might be held to be evidence of an assumption of the title.

190. Then, in point of fact, a Roman Catholic bishop might bring himself within the penalties of this Act, by merely opening a letter addressed to him by some other Roman Catholic, under a title which the Roman Catholics acknowledge as valid?
I hardly put it so strong as opening a letter, unless he had authorised the address. I rather meant, if he claimed it in any way as legally belonging to him by reason of the designation.

191. It seems then that the term "assume" is so large, that a bishop might find himself involved in penalties without having expressly, or in direct terms, claimed to himself that particular title?
It would be a voluntary act upon his part to claim the letter; and if he was to maintain a claim on the ground of the designation as being properly his designation or title, it would be liable, I think, to be held to be an assumption on his part of the title.

192. A witness of high legal authority, whom we examined on a former occasion, gave it as his opinion that it would be desirable if all the clauses of the Ecclesiastical Titles Act, except only the first, were to be repealed, so leaving out all the penalties; have you considered the subject in that light?
I conceive it is quite competent for the State to declare that the assumption of those titles shall be unlawful, and void for all purposes of law.

193. Should you consider it desirable, considering the irritation which has followed the passing of this Act, that the legislation in future should be confined to the first clause of this Ecclesiastical Titles Act, or to some equivalent,

valent, and that the pecuniary penalties of the subsequent clauses should not be retained?

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I think that it is unnecessary that those penalties should be retained for the purpose of giving effect to the first clause. The first clause is the important clause, declaring all jurisdiction or title conferred by the brief to be unlawful and void.

194. You are aware that no penalties have been recovered, or sought to be recovered, under the subsequent clauses?

I am.

195. Do you consider it desirable, from your knowledge of the law, that any statute should remain upon the statute book imposing penalties or prohibitions which are never in any case attempted to be enforced?

I think such statutes ought not to remain on the statute book.

196. You are aware of many cases in which statutes open to that objection have been repealed within the last few years?

Yes.

197. And you consider that course of legislation, speaking generally, to be desirable?

I do.

198. Applying that principle to this particular Act, do you see any reason why it should form an exception to the general course of legislation which you have described, and why we should retain penalties which are never to be enforced?

Personally, I think it would be desirable to repeal the penalties.

199. Supposing those penalties were to be repealed, what would be the precise state of the law with regard to Roman Catholic prelates; would it differ materially from what in practice prevails at present, the penalties not being enforced and the titles being assumed?

The law would be practically the same, with the exception that no precise penalty could be enforced for the assumption of a title.

200. It would not leave the state of things entirely as it was before the passing of this Act, because almost precisely at that time the old system of the vicars apostolic ceased, did it not?

It did, at that time, I believe.

201. Therefore we should have a new state of things to deal with, there being Roman Catholic territorial titles in England without any law against them, but such as this first clause contains?

Of course, your Lordship's observation would apply to the repeal of the 10th of Geo. 4 as well. There would be no statute then, of course, forbidding the assumption of a title.

202. Would not the first clause, of which we are speaking, in the Ecclesiastical Titles Act, remain?

So far, the title would be unlawful and void.

203. Lord *Lyveden.*] If it was unlawful and without penalties, what would be the consequence, or result, to any person who assumed those titles?

The title no doubt would be deemed unlawful and void, but I doubt whether it would be a misdemeanour to use it. The title would be a void title; there could be no legal effect given to it. I apprehend that those titles being declared unlawful and void, they could not be recognised in a court of law.

204. But would not the taking away of these penalties make this Act still more a dead letter than it has been with the penalties?

It may not altogether be a dead letter.

205. Nothing has been done under it, has it?

But many things may have been prevented being done, which might have been done but for this Act.

206. But supposing that clause to remain alone, what penal consequences could result to the person violating it?

I do not think that anybody would be subject to any penal consequences.

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207. To what consequences would he be subject; how would that clause alone prevent his taking the title if he chose to assume it?

It would depend upon the purpose for which the title was taken. It could not be taken for any purpose of law; for instance, he could not take property under that title.

208. Do you mean that he could not sue under that title?

He could not sue under it.

209. But he might assume it, and you say you doubt whether it would be a misdemeanour. Surely, if there was no penalty, no one would prosecute for a misdemeanour?

I doubt whether those words in the first clause would make it a misdemeanour.

210. *Archbishop of York.*] But apart from the penalties there would be a wish to obey the law; and I suppose there has been a considerable restraint upon the use of the titles by the Act, apart from the fear of the penalties?

I should think so. The title has never been recognised by any court of law, or by any authority representing the Crown, that I am aware of.

211. Earl of *Carnarvon.*] I think I understood you to express not a decided opinion, but a doubtful opinion, as to how far anybody would be liable to prosecution for misdemeanour under the first clause alone?

I think the word "unlawful" means not sanctioned by law. I do not think it would make it a misdemeanour to use a title.

212. Lord *Somerhill.*] Does not that rather apply to the instrument recited than to the action of any individual, except that of the Pope?

There are several expressions used in this first clause, which have, of course, very different effects. As regards the word "jurisdiction," for instance, all jurisdiction conferred by the brief is declared to be unlawful and void; that would not, I apprehend, subject to punishment any of the clergy who exercised, whatever might be the spiritual jurisdiction, or what they might term the spiritual jurisdiction.

213. Earl of *Carnarvon.*] Supposing that the clause ran to the effect that "all acts done under such jurisdiction were unlawful," then I presume those acts would expose the person that did them to a charge of misdemeanour?

There is very great difficulty in dealing with some of those expressions. Assuming that the term "jurisdiction" is used in the sense in which the State would use it, namely, a power to administer law and to enforce law, any attempt of that sort would be unlawful and void; but of course the answer that is made is, that "the jurisdiction which we claim to exercise is a spiritual jurisdiction over the consciences of our clergy." Then that spiritual jurisdiction over the consciences of their clergy is not what is meant here by the term "jurisdiction"; it is something different. Perhaps your Lordships will allow me to add that these are very subtle questions, and might perhaps require longer time than is now allowed me.

214. Duke of *Somerset.*] Are the Committee to understand, from your former answer, that you do not consider the contravention of the precise enactment of an Act of Parliament to be in itself a misdemeanour?

If a thing is forbidden to be done, then it is a misdemeanour.

215. We have had evidence here that if there is a precise enactment, the contravention of such a precise enactment would be in itself a misdemeanour; would that be your view?

That, I apprehend, is the law.

216. Then do you not consider the first clause in itself to be of the nature of a precise enactment?

I rather consider it as a declaration.

217. You do not consider it an enactment?

No. It says, "they are and shall be and be deemed unlawful and void."

218. You do not consider that a declaration of that kind has the force of an enactment?

Your

Your Grace will perceive that in the preamble it says, "Be it therefore declared and enacted." That is the form in which, I believe, what are called declaratory Acts are generally passed, and this first clause appears to me to be a declaratory clause. The second, your Grace will perceive, is an enactment. "And be it enacted"; there is no declaration there. That is forbidden to be done indirectly, by saying that if it is done, the parties so offending shall pay a penalty.

219. Then that would come to the effect that all mere declaratory enactments are of no value?
They are generally supposed to declare in formal language the common law.

220. Earl of *Carnarvon.*] With a view of clearing up this point, may I ask you whether it would be your opinion that, supposing the first clause was retained as it now stands, and that the second went on to enact that "any person who shall obtain or cause to be procured from the Bishop of Rome any bull, brief, rescript, or letters apostolical, or any other instrument or writing for the purpose of constituting any such archbishop," and so forth, "shall be held to be acting in contravention of the first clause," that would expose him then to the pains and penalties of misdemeanour, whatever they are.
If it went on to enact that he should be taken and held in all courts to be doing an unlawful act, I think it would be a misdemeanour to do it.

221. Supposing, therefore, that that course were adopted, the Act would be simply changed to this extent, that for a penalty of 100 *l.* you would substitute the penalties of misdemeanour?
It would be so.

222. Lord *Redesdale.*] But is not the penalty in the second clause confined to a particular matter to which the particular penalty is applied?
Yes, and the operation of the Act would be more extensive, I think, if the alteration was adopted which my Lord Carnarvon has suggested, because it would constitute a large class of acts, whatever they might be, contraventions of the Statute.

223. Would it not be open to proceed under the first clause in the same manner against anything which is not specifically provided for in the second clause, whether the second clause was repealed or not?
Yes, I think so.

224. Then, at the present moment, there is the power of proceeding under the first clause, which is a mere declaration of what the law of the land was before the Act was passed?
That may be so, but the power of proceeding would not depend upon this first clause, but upon the pre-existing law of the land.

225. Your opinion has been asked as to whether, fairly or not, it is an objection to the statute, that the penalties of it are not enforced, and whether, because the penalties have not been enforced, therefore they should be repealed?
I think that where an Act of Parliament has been allowed to remain a dead letter for a considerable length of time, it either shows that it has been thought to be inexpedient to enforce it, or that for some other good reason it has not been enforced.

226. Is it not a provision, with regard to penalties under that Act, that the consent of the Attorney General must be had to every prosecution?
It is so, or of Her Majesty's Advocate in Scotland.

227. Do you not suppose that that was to prevent any vexatious proceedings, where the conduct of the parties did not appear to render the proceedings necessary?
Certainly.

228. Do you not suppose that there might be conduct on the part of some persons, that has not been hitherto exhibited, which might render it desirable that the Crown should direct prosecution?
I think there might be such cases.

 229. Then

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229. Then there is a reason why no prosecution has taken place hitherto; that would take away the objection as to the penalties under the Act not having been enforced, would it not?

I presume that nothing has been done which has been thought to require its enforcement.

230. Earl of *Harrowby.*] We have been told by previous witnesses, that the Roman Catholics have taken great care to observe this enactment, and that the dignitaries of their church have so styled themselves as not to come within its reach; is not that a sufficient reason for its being a dead letter, without its being an Act of no value?

That may be so; but then it is not a dead letter.

231. This first clause says that certain documents shall be unlawful and void; is it not rather intended to disqualify documents and Acts as having authority, than as penal against individuals?

Yes; the object appears to be to declare that the brief, so far as those matters were concerned, was of no legal effect in this country.

232. Then supposing that there were no prohibition against the assumption of ecclesiastical titles, would the acts done by the Roman Catholic ecclesiastical authorities have any increased sanction or authority before the courts of law?

I should think not.

233. But supposing that the first clause were repealed also, and supposing that there were no specific enactment upon that subject, but that things were replaced in the condition in which they were before this Act was passed, would any increased sanction in a court of law be given to any acts done by those ecclesiastical authorities; would they be able to plead ecclesiastical sanction simply resting upon the authority of dignitaries of the Church of Rome, if there were no such enactment as this at all?

In the sense in which they would come before the courts as voluntary religious bodies they would, of course, be able to refer to whatever might be in those documents as explanatory of the nature of their constitution; but those documents would have no authority *proprio vigore* in our courts.

234. It would merely be a consensual authority?

It would be so in a certain sense.

235. That exists now in spite of this Act, and it would have great force, would it not, if no such Act were in the statute book?

Assuming that this Act was repealed entirely, I apprehend that the effect of it would be that certain acts might be noticed in the courts of law, which at present could not be noticed.

236. They would still have no sanction as part of the law of the land, but would they have more sanction as consensual acts, as acts of an authority by which parties have consented to be bound.

Presuming, we will say, that a question arose in regard to the title of the Archbishop of Dublin, I apprehend that if there was no such clause as this, evidence might be given to show that that title meant the Archbishop of the Latin Church in Dublin, and not the Archbishop of the United Church of England and Ireland; but of course now no evidence could be admitted at all; the title under the brief could not be recognised, I apprehend.

237. Then the value of this clause would be only rather to avoid confusion and ambiguity and doubt, as to which bishop or archbishop might be in question?

I apprehend that it was conceived at the time that all titles of honour, although of an ecclesiastical character, ought to emanate from the Crown.

238. But would not the sanction in a court of law be changed by the repeal of this enactment?

With regard to the title of a titular bishop, in that sense, I apprehend, if this statute were repealed, there would be nothing to prevent a court of law looking into the meaning of the title, as to who was really designated by it.

239. Under this Act could a bull of the Pope be brought into court, as settling a question between two claimants to a Roman Catholic benefice?

I do

I do not think that it could be looked at by a court of law.

240. But would it be if this Act were removed, as part of the consensual jurisdiction by which the parties had agreed to be bound?
There, I think, we must go back to some earlier Acts of Parliament.

241. Then you would go back to previous legislation?
Yes.

242. *Lord Archbishop of York.*] Supposing that this Act were wholly repealed, and not merely that the penalties were repealed, what Act then would govern the case of a foreign Power, ecclesiastical or otherwise, giving territorial designations in this country?
There is no statute, that I am aware of, which deals with the question of a mere title.

243. That would be as to territorial title, and the jurisdiction consequent upon that territorial title; but there would be the Roman Catholic Relief Act, of course?
If your Grace will allow me, I would say that the difference between the two Acts seems to be this--that the 10th of George the 4th, chap. 7, sec. 24, applied to existing bishoprics and deaneries. The words are: "If any person shall assume or use the name, style, or title of archbishop of any province, or bishop of any bishopric, or dean of any deanery in England or Ireland." I rather think that provision meant existing bishoprics, and then, when we come to this Ecclesiastical Titles Act, the words are, "assume or use the name, style, or title of archbishop, bishop, or dean of any city, town or place or of any territory or district."

244. Earl of *Carnarvon.*] Would not the terms, "archbishop of any province and bishop of any bishopric" have a prospective effect, as well as a reference to the existing state of things.
If may be so; but as it is a penal statute it would be construed, I think, most favourably to the party. I consider the terms "province" and "bishopric" mean a province or bishopric settled by law.

245. *Chairman.*] Looking at the question in a legal point of view, do you conceive that any evil or inconvenience would follow, supposing the Ecclesiastical Titles Act were wholly or entirely repealed?
The question is a very large one, requiring that we should look back to previous Acts of Parliament; but assuming that the first clause was declaratory of the common law as it existed, then I apprehend that the law would still exist, although this Act was repealed; but I would rather not commit myself as to what the effect would be, without looking a little more carefully into the statute law.

246. There is one other branch of the subject upon which I should like to ask you a question. You are aware that in the Ecclesiastical Titles Act there is a clause exempting from its operation the bishops of the episcopal body in Scotland?
There is.

247. Does it seem to you free from objection, that in a law of general operation, or intended to be of general operation, as vindicating the Queen's authority in conferring territorial titles, there should be an exception made for one class only of Her Majesty's subjects?
I presume that the difference was made because the titles under the Papal brief were conferred by a foreign authority, whereas the Scotch titles were merely self-assumed, whatever those titles might be.

248. But, in both cases, nevertheless, they were conferred without any reference to the Queen's jurisdiction and authority?
They would be so, of course; the Episcopal Church in Scotland being only tolerated, as your Lordships are aware, under Acts of Parliament.

249. And therefore, if that saving clause had not been inserted, the bishops of the episcopal body in Scotland might have been liable to penalties no less than the Roman Catholic prelates, might they not?
I do not think they would have been within the spirit of this Act, because the preamble of this Act recites what had been done by the brief, and that it

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was expedient to prohibit the assumption of such titles; and then it goes on to enact, and I think those enactments would have been held to be limited to the titles taken under the brief.

250. Then, if so, what was the object of that clause at all?
Probably it was inserted *ex majori cautelâ.*

251. Duke of *Somerset.*] You have studied a good deal questions of international law, I think; is there any country in Europe which allows a foreign sovereign to exercise jurisdiction within its boundaries, without the consent of the sovereign power of the country?
None, that I am aware of.

252. Then if it were allowed in England it would be an exception to the general law of Europe, as far as you are acquainted with it?
I am not aware that any foreign Power exercises any jurisdiction within any country of Europe by mere sufferance.

253. Earl of *Harrowby.*] What do you mean by sufferance?
There is what is called the Foreign Jurisdiction Act, and in Orders in Council issued under it there is sometimes recited that Her Majesty, by sufferance, exercises jurisdiction within a foreign country; but these foreign countries have been always Asiatic or African, and not European, and I am not aware of any European Power that exercises jurisdiction by sufferance within the dominions of another European Power.

254. Earl *Granville.*] Is Switzerland an exception?
I am not aware that it is.

255. Earl of *Carnarvon.*] Would the appointment of Bishop of Jerusalem, being within the confines of Turkey, Abyssinia, and I believe one or two other countries, in any degree fall within the scope of your last answer?
I think not. He was appointed under a special Act of Parliament.

256. Was not there a difference in the drawing of the patent to this extent, that he was called the Bishop in Jerusalem, as opposed to the Bishop of Jerusalem?
Yes; he was consecrated to be Bishop of the United Church of England and Ireland in Jerusalem under a license from the Crown, not under Letters Patent.

257. *Lord Archbishop of York.*] I am reading from your book on the subject of the Queen's license to consecrate Dr. Alexander; do you remember the words "spiritual jurisdiction over the ministers of British congregations of the United Church of England and Ireland, and over such other Protestant congregations as may be desirous of placing themselves under his authority." That does not give jurisdiction, or claim to give it, over all the persons within the territory?
No.

258. *Lord Bishop of London.*] Was not that done with the consent of the Sultan, the sovereign of the country?
I believe that there was, as a matter of fact, a diplomatic arrangement with the Government of the Sultan.

259. Lord *Somerhill.*] Do you happen to have had occasion to consider how the case is in Russia; you are probably aware that for a long time there has been a Protestant Church established in Russia, for I should think now very nearly a hundred years, and that there is a Protestant English congregation there; is not that congregation under the jurisdiction, to a certain degree, of the Bishop of London, who I believe appoints, or the Queen appoints, the clergyman, who has been recognised by the Russian Government?
The Protestant Church at St. Petersburgh, which is probably the church to which your Lordship refers, was originally the church or chapel of the British factory; that British factory was established under a convention of some kind or other with the Czar of the day; that factory was abolished in the year 1807 by proclamation of the Emperor, and there has been no factory since; but although the factory was abolished, and with it the ex-territorial privileges of the merchants, or the inhabitants of that factory, the Russia Company seems to have continued to reside there, and to have carried on their business, and

and a chaplain officiated in their chapel, and married, and continued, in fact, to exercise his functions precisely in the same way as when the factory was in existence.

260. All through the war?

Possibly; and my Lord Bishop of London, I think, licensed the chaplain there, inasmuch as in the year 1823 an Act of Parliament was passed to legalise all the marriages which had been solemnized since 1807 in the chapel of the Russia Company, either by the chaplain, or by a person officiating under the license of the Bishop of London, though I am not quite certain about that; I think that it was by the chaplain of the Russia Company, or a person officiating in his stead. It was in the case of Hamburgh that another Act was brought in, in the year 1833, to legalize marriages solemnized in the British Episcopal Chapel there, after the factory was abolished, by the chaplain appointed by the Bishop of London.

261. In that way the Russian Government in some degree recognised a foreign ecclesiastical jurisdiction within the Russian dominions, did they not?

I believe (but I am only expressing my belief) that under the Russian law marriages solemnized in any chapel or church belonging to foreigners, according to their forms and ceremonies, are good and valid.

262. Earl of *Harrowby*.] By the *lex loci* or the *lex gentis*?

Yes; probably my Lord Bishop of London's memory might be more accurate than mine with regard to marriages in the British chapel at Riga some years ago, when it was said that, by the Russian law, those marriages were good marriages, and the object was to get them in some way recognized by the statute law of England.

263. *Lord Privy Seal*.] But when the Queen, or the Government by the Queen's permission, appoints a chaplain to an English congregation in some town abroad, the arrangements having been previously made, which are that half should be paid by the congregation and half by the Government, is it not necessary, and does it not always follow, that the permission of that Government is obtained at the same time, an intimation being given to the foreign Government that such is our wish, and we by that intimation accepting the idea, that we have no power of doing it without the permission of the said Government?

I am not informed upon the subject, but I should think that the Foreign Office never allowed a stipend to a chaplain, except where there has been the full consent of the sovereign of the country, and that as far as the license of the Bishop of London is concerned, that is a matter of arrangement on the part of the Foreign Office, for the purpose of securing some kind of certificate of the fitness of the person; but that license itself has no effect whatever in regard to his right to officiate as such chaplain.

264. Lord *Colchester*.] Would not the position of chaplain be considered personal, rather than territorial?

Yes; he would have no territorial status at all.

265. Then there is no European monarchy which allows the Pope to appoint bishops, except under a concordat, without the sovereign's consent?

I believe not. An increase in the number of Roman Catholic Bishops in Belgium, at the time when Belgium was united with the Netherlands, was proposed to be carried out under a concordat with the King of the Netherlands. The arrangements with Prussia were under what was called a bull of circumscription, after diplomatic negociation, with the consent of the King of Prussia. The establishment of a new bishopric or archbishopric in Poland at the end of the last century, and of one, I think, in the present century, was also after a diplomatic arrangement with the Czar of Russia. I am not quite certain what may have happened recently in the Netherlands, but certainly at the time when the brief of the Pope was issued there was no State in Europe, where the Sovereign is not of the Roman Catholic communion, in which the Pope had created a bishopric without the consent of the Sovereign.

266. I understood that you were not prepared to speak as to whether the Pope had any authority without the consent of the Executive in Switzerland?

With regard to Switzerland, I am not in a position to speak.

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267. *Lord Bishop of London.*] Do you happen to know what is the state of the case in the Protestant parts of Germany; is there a Roman Catholic bishop in those parts of Prussia which are essentially Protestant, and if so, what authority does he hold?

I cannot at this moment say.

268. Lord *Colchester.*] In the United States of America, is there any restriction upon the appointment of Roman Catholic bishops?

Not that I am aware of. I may add that in Hanover there was what was called a bull of circumscription, which was the result of a diplomatic arrangement.

269. Then it appears that, in almost every monarchy, there is this restriction on the part of the Pope in appointing without the consent of the sovereign, though perhaps that is not the case in a republic?

With regard to Switzerland, some of the cantons are Roman Catholic; and I am not quite certain at the present moment whether the question of religion is at all within the scope of the Federal authority.

270. Several Roman Catholic countries have imposed conditions, have they not?

I believe so.

271. *Lord Privy Seal.*] Do you remember the case of our appointing a bishop at Gibraltar, and do you remember what his diocese was supposed to be?

Malta and Gibraltar.

272. But was it confined to that only?

That was his diocese in regard to his Letters Patent.

273. But his supervision was to extend over all the English Protestant congregations on the shores of the Mediterranean, and on the coast of Portugal, was it not?

Not as expressed in the Letters Patent of the Crown; but my impression is that letters were sent round from the Foreign Office to the different chaplains, directing them when the bishop visited them, to attend to him.

274. And, practically, his duty is to supervise his various congregations?

He has a sort of superintendence of them, but not in the way of jurisdiction.

275. Did we not carefully avoid any collision with the Roman Catholic Church, by giving him the title of Bishop of Gibraltar (which can scarcely be called a colony, but is merely a garrison), instead of Bishop of Malta, which has a large civil population.

I have understood that that was so.

276. That was done under the impression that it would have been offensive to the Roman Catholic Church, if we had, as it were, usurped a title of which they were at that time in possession.

Yes; and of course, as we have recognized a Roman Catholic Bishop of Malta, it would have produced confusion.

277. *Lord Bishop of London.*] You are aware that, in the Bishop of London's authority over foreign chaplains, the greatest care is taken to let it be understood that he exercises no territorial jurisdiction?

So I have understood.

278. And that, even as regards the consecration of a church or churchyard, no formal consecration really takes place, but there is merely a religious service?

Quite so.

279. And that is done expressly on the ground that he is not to be supposed to claim anything like jurisdiction over a foreign country?

Of course, in a consecration which takes place in your Lordship's diocese in England, there is a judicial sentence, which is not part of the ceremony abroad.

280. Earl of *Harrowby.*] How far do you conceive the authority of the canon law of the Roman Catholic Church to be affected in one way or another, by the transfer from the regimen of the vicars apostolic to the episcopal regimen; has

has it more or less sanction in consequence, or is the sanction in any way varied?

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The canon law of the Roman Catholic Church would be more effectually operative amongst the members of that Church under the present system. The regimen of vicars apostolic was quite exceptional; the Pope, as immediate bishop over the Roman Catholics in England, as long as there were no bishops in ordinary, exercised his authority through vicars apostolic, whose office had its foundation in the curial law of the Roman Pontiffs, rather than in the canon law of the Roman Catholic Church.

281. That alteration affected in some degree the relations of the Roman Catholic authorities among themselves, did it not?

It placed them, no doubt, in more complete ecclesiastical order.

282. Were they put more distinctly under the protection of a legal system, as among themselves, by the institution of the episcopal jurisdiction under the Pope?

I should say, speaking from outside the Roman Catholic Church, that they would be more under the protection of their general ecclesiastical law, the *corpus juris canonici*, under this system, than under the vicars apostolic.

283. But, as regards those who were outside the general state, the sanction would in no way be altered, would it; their relation to the State would not be altered; they would not be more or less enabled to plead any canon law before an English tribunal?

I think not.

284. Therefore, as regards parties outside, the change was of no importance, except that the adoption of titles in itself was considered a great breach of comity, if one may say so, to the country in which it was established?

Yes.

285. But, legally, the relation of Roman Catholic authorities to English law was in no way altered?

Their legal status, as regards the law of England, would not be in any way affected by the brief of the Pope.

[The Witness is directed to withdraw.

The Right Honourable Sir JOSEPH NAPIER, Baronet, is called in; and Examined, as follows:

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286. *Chairman.*] IN the year 1851 you were, I believe, in the House of Commons as one of the Members for the University of Dublin?

I was.

287. You took some part in the passing of the Ecclesiastical Titles Act, did you not?

I did; I took considerable interest in it.

288. Did you support it unreservedly, or were there any portions of it which you thought might have been improved?

My support was rather to the principle of the measure as defensive.

289. By the principle of that Act you mean, I presume, as asserting the Queen's authority in regard to foreign jurisdiction?

I thought there was a defiant aggression upon the independence of this country and the Queen's authority, and that it was proper and becoming to the nation in some mode to protest against that?

290. Did you think it judicious to append to that protest any penalties against those who contravened the principle?

I take it that, in respect of penalties, the only change was made in the law; a great many extravagant, and, I think, exaggerated statements have been made of the effect of that Act. I consider that it in nowise interfered with the freedom of the Roman Catholic religion as it was enjoyed, either by its prelates or its

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its laity. The only addition made to the law as it then stood was in the imposition of a penalty for certain acts which were unlawful before. The parts of the Act that did not relate to penalties were merely declaratory of the existing law.

291. Since that time you, having been Lord Chancellor of Ireland, have never in any case felt it your duty to advise, or to press for the enforcement of those penalties?

No. I do not remember any case in which I could have properly interfered. There was a proviso put at the end of the Act that it should not affect the Charitable Bequests Act. That I did not oppose, because I thought it simply superfluous; it could not have interfered with the law of Bequests. There are cases in which a Roman Catholic Prelate may have been described in a will as of such a diocese, and there it is merely regarded as a *designatio personæ*.

292. Still the Act providing against the assumption of ecclesiastical titles, and those titles in fact having been assumed, the law has not been observed?

There have been cases in which they have been assumed, and some in which they have not. I remember saying privately at the time, to some of those who were interested in passing the Bill, that the penalties would be of no value, because they could not get sufficient legal evidence, even if they were disposed to enforce the penalty; and besides, I thought, with regard to that part of the Bill, that it was legislating against names, and leaving the real evil untouched.

293. Will you explain that answer a little further; what was the real evil unconnected with the names?

The real evil I take to be this; I see that it has been very plainly stated by Archbishop Manning, in his evidence before the Committee of the House of Commons, in answer to Question 894. He explains the nature of their claims. He says: "The whole hierarchy throughout all the world to this hour has proceeded upon one uniform principle, namely, that the Pope, who possesses the supreme, universal, spiritual and territorial jurisdiction, divests himself of the ordinary use of it by constituting bishops and forming dioceses." Then I take it that the aggression was a claim to establish that jurisdiction here, and that is worked out through the medium of a local hierarchy, Papal bulls, the canon law of Rome, and what they call "the reserved cases." And you leave these without sufficient restraint. Before the Reformation you had them restrained by the law of this country, but now they ask unrestricted freedom to carry out that, which is the development of the Papal system, establishing in these countries the dominion of the Pope, and claiming to exercise spiritual jurisdiction, above the law of the land; so that you have a jurisdiction not subject to the law, that claims to be recognized by the law. I take it that this is a great anomaly. Then their canon law, as the code of the dominion of the Pope for all the world wherever they can establish it, is more or less in conflict with the constitution and the laws of this country.

294. *Lord Archbishop of York.*] The bulls of the Pope relate sometimes to other than ecclesiastical affairs, do they not?

Yes, in many instances.

295. They relate sometimes to temporal and political affairs, and that is one ground upon which the Sovereign may claim the right of *placet* or *exequatur*?

In every country in Europe, I take it that there is some kind of restriction upon them; they have it done in various ways, and before the Reformation it was restrained in this country, so as to keep their system within the bounds of the law, and not to rise above the level of the law; but in the state of freedom which exists now in this country, if their full claim is allowed, you have this foreign jurisdiction introduced into the country, and it gets above the law.

296. Earl of *Harrowby.*] In all those cases of restriction to which you have alluded, was it not upon the ground that there were temporalities attached to this ecclesiastical position which the Sovereign would not allow to be enjoyed without

without some interference; have you any similar case to quote where no new temporalities were the consequence of the enjoyment of the dignities?

That was one reason, but not the only reason; where the canon law now is introduced, if it is to be executed without any kind of restraint, then you have temporal matters interfered with to a very large extent.

297. *Lord Privy Seal.*] You have stated that before the Reformation the law placed a restriction upon those assumed powers of the Pope; was that restriction imposed by Act of Parliament?

Before the Reformation there could be no canons introduced into this country, and enforced by the Church courts; they would have been immediately restrained by prohibition, if they attempted to enforce any unlawful canon.

298. Were there any Acts of Parliament to restrict the claims of the Pope before the Reformation?

I take it that both the common law and Acts of Parliament restrained the interference of the Pope here.

299. But were there not Acts as old as the time of Richard the Second, and other Acts?

That Act of Richard the Second is a mere embodiment of the common law; it is a mere declaratory Act embodying the principles of the common law. The Queen is supreme under God; and the Queen herself is subject to law; but this power and jurisdiction of the Pope claims to be above the law. I see one of the witnesses before the House of Commons Committee says, that he holds the Titles Act to be unlawful and void, and that our law has no right to touch the spiritual jurisdiction of the Pope.

300. But do you mean to say that we are less protected at this moment than we were in the days of Richard the Second, in the time before the Reformation?

I do.

301. Earl of *Carnarvon.*] Is not Archbishop Manning's argument (I do not pronounce upon the validity or invalidity of it) that the claim which is set up is a purely spiritual one, binding only *in foro conscientiæ*, and having no temporal value whatever?

That is what he said. There are two ambiguous, or at least, undefined words, "spiritual" and "jurisdiction." If the mere matter was episcopal influence as connected with the *forum conscientiæ*, then that is not touched by the Titles Act at all; but jurisdiction is a determination of right, and there is always law connected with jurisdiction: it is not the influence of authority merely. I may say that, in taking part in the Ecclesiastical Titles Bill, no one was more anxious than I was, that there should be no kind of interference with the exercise of the Roman Catholic religion as it was theretofore enjoyed, but that it should be perfectly free in all matters of conscience; and at the time of the passing of the Act of 1829, there was a clause inserted in that Act which was substantially the same as in the Titles Act; and the Roman Catholic bishops in Ireland, every one of them, signed a document in which they said they accepted that Act with gratitude, and that their rights were attained without a compromise of the freedom of their church.

302. With regard to that clause in the Relief Act to which you have alluded, is there not this distinction, that whereas the Ecclesiastical Titles Act affixes a certain penalty upon any bishop who may, under the authority of the Pope, assume jurisdiction in England, the Relief Act enacts a penalty upon any bishop who shall, under the authority of the Pope, assume any titular jurisdiction with an ecclesiastical title held in England or Ireland?

There may be that construction of the clause so far as regards the penalty; but the clause says in its recital that "Whereas the right and title of archbishops to their respective provinces, of bishops to their sees, and of deans to their deaneries, have been settled and established by law,"—that was by the previous law. Then it goes on to say, "If any person other than the person thereunto authorised by law shall assume the title of archbishop of any province, bishop of any bishopric, or dean of any deanery, in England or Ireland, he shall for such offence forfeit 100 *l.*" And why was that? Because the title

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by law, in the case of a bishop for instance, depended upon two things, canonical consecration and the Queen's nomination. He must be a bishop of the Catholic Church according to the law of this country, and he must be nominated to his diocese by the Queen's authority. It might have been that the penalty would not have been incurred under this clause by taking the name of a diocese not then created; yet it is quite plain that the enactment assumes and goes upon the general principle of law, which makes it unlawful for any other than a dignitary of the Church, nominated by the Queen, to assume a territorial title. With regard to the claim now made for the repeal of the Titles Act, if it were repealed, the common law would remain as fresh as ever, only with this difference, that you might throw it all into confusion, and leave the impression upon the minds of the Roman Catholic hierarchy, or the people of the Roman Catholic communion, that we had given up the whole thing. I think that it is most important that whatever is done now, we should do it with our eyes open, and see all the consequences, and let everything be done aboveboard. For myself, I say heartily that I do not desire to see anything done, or that anything should remain in the statute book, which can be said to press upon the conscience of the Roman Catholics or upon the freedom of their religion, so far as it is consistent with the fundamental principles of the constitution of this country.

303. *Lord Archbishop of York.*] Have you considered any mode by which the reasonable claims of Roman Catholics in this country to have a consensual jurisdiction could be reconciled with the power of the Sovereign as the sole fountain of all jurisdiction and of all titles?

I remember at the time of the Ecclesiastical Titles Bill (I am betraying no confidence in saying it), Lord Derby was exceedingly anxious about it to see what was really best to be done; and I attended a conference at his house, with Lord Lyndhurst and some others; and we thought at that time that it would have been wiser to have been content with passing Parliamentary resolutions then, and to have had a full investigation into the relations of the Roman Catholic subjects of the Queen, and those in which they stood to the See of Rome, and by ascertaining what the canon law of their church was, to separate that portion which touched upon things merely spiritual, from that which touched upon temporal things, which could not be taken out of the control of the law of the land; but I do confess that it is a most difficult subject as to the way in which the prohibition of the constitution, if I may so term it, is to be enforced, and as to the way in which the independence of this country and the Queen's authority are to be effectually maintained.

304. *Chairman.*] Then, as I understand you, the general feeling at this meeting which you mention held at Lord Derby's, was that it might have been wiser, instead of an Act of Parliament, to have resolutions in the manner of a protest?

That was the conclusion, I think, that we came to; and that it would have been a more satisfactory course if it were followed up by a complete inquiry.

305. That there should have been resolutions in the first instance, and an inquiry afterwards?

Just so. The resolutions seemed to be necessary from the state of public feeling at the time, as a kind of embodiment of it, a kind of public protest; and then that should have been followed up by a very searching and complete inquiry into the code of canon law, for that is where I think the real difficulty is.

306. Duke of *Somerset.*] Then I understand you to say, that a mere repeal of the Ecclesiastical Titles Act would only leave the whole question in confusion?

I think so.

307. Therefore if it is *bonâ fide* intended to repeal the Ecclesiastical Titles Act, we ought to go further and look back at other Acts, and see how the law exactly stands?

No doubt: for instance in the year 1846 you passed the Religious Opinions Relief Act. Although you repealed the penalties, and some of the matters connected

connected with bringing in bulls, the law remains. I refer to the 9 & 10 Vict. c. 59, and to an earlier Act, the 7 & 8 Vict. c. 102.

308. The penalties were repealed, but the law remains?
The penalties were repealed, but the law remains, and in much confusion.

309. Then the penalties having been repealed, what force has that law?
That was a matter of doubt at the time of the Ecclesiastical Titles Bill; the Government of the day had some doubts then whether they could proceed upon that law. Then, again, I think that by that same Act, a clergyman of the Church who affirms this foreign supremacy is liable to be deprived of his benefice. That remains still, and in the law of 1866, the last Act about Parliamentary oaths, there was a proviso introduced in the House of Lords to say that nothing in the Act contained should weaken or affect the law as to the Queen's supremacy; so that it all remains.

310. Earl of *Carnarvon.*] Are those ancient Acts of Richard the 2nd and others to which allusion has been made, still upon the Statute Book, or have they been repealed, partially or wholly?
They are, I believe, on the Statute Book; what they declare is only the common law; the Act of Richard the 2nd has a long preamble, stating, in the old-fashioned way, that whereas by the constitution of this country this has ever been a free and independent nation, with no one above the King, who is, under God, supreme, and then it goes on to speak about the faithful Commons and the desire to protect the independence of the realm; it makes a regular speech, but it is all the common law.

311. And those Acts are in full existence?
They are in full existence, I believe, so far as they affirm the common law.

312. What makes the difficulty is this: I think at the time of the Act of 1829, the status of the Roman Catholic Church was very liberally settled; but the Roman Catholic Church is different from all others, and to let it in according to the fulness of its present claim would involve a complete denial, not only of the Queen's supremacy, but of the established rights of the Church now in possession. The State did everything in 1829 consistently with the fixed constitution of the country. I remember Archbishop Whately using the proverb, "An two ride of a horse, one must ride behind." You cannot have this claim allowed in the way that they require; if they get full scope, that must sweep away the present authority and position of the clergy of the Established Church of this realm.

313. Duke of *Somerset.*] Did I rightly understand you to say that, in the year 1829, the Catholic clergy and bishops were satisfied with the state of the law as then known?
I will give your Lordship a very striking proof of that; all the Roman Catholic Bishops in Ireland signed a pastoral address to the clergy and laity of their own communion, immediately after the passing of the Act of 1829 (I think it was in the beginning of the year 1830), and the expression they used as to the concessions made to them was that they had attained them "without a compromise of the freedom of their Church." In the same year in which the Ecclesiastical Titles Bill passed, Lord Monteagle was very angry about its extension to Ireland, and he addressed a letter to the Archbishop of Dublin, and in the autumn he sent me a copy of the letter, and when the thing was fresh in my mind I drew up an answer to it.

314. Lord *Somerhill.*] Did all the bishops sign it?
Every one of them, even Archbishop M'Hale.

315. Duke of *Somerset.*] As you have considered this subject, as the contents of the Pope's Apostolic letter apparently applied only to England, was it necessary to make the Act apply further than England, to which the Bull or the Pope's Apostolic letter applied?
There were two reasons for it; the first was a special reason with regard to Ireland, that during the time that the whole thing was being discussed, the Pope created a new See in Ireland; he divided the See of Ross and Cloyne; that occurred while the discussion was going on; but there was another obvious reason, I think—that we were going upon general principles. The constitution

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of this country is the same in England and in Ireland; it was a defensive measure upon our part, and when making a public protest against the aggression, it was not merely the particular act, but the act as a part of the system, to which we objected.

316. *Chairman.*] As having represented the University of Dublin, and having since filled the office of Lord Chancellor in Ireland, you are no doubt well acquainted with the feelings of the Protestants in that country; were they at that time very eager for the passing of the Ecclesiastical Titles Bill?

I do not think they were so furious about it as the English people were at the time; but they considered that the Papal brief was an aggression upon the constitution of this country and upon the church, and they joined very heartily in opposing it.

317. Does that feeling continue unaltered at the present time, and is much value attached to the retention of the Act, regard being had to the circumstance that no penalties have ever been sought to be recovered under it?

There were never any penalties sought to be recovered under it. I have mentioned that there would be extreme difficulty in proving a case.

318. My question was rather as to the feelings of the Protestants in Ireland, and as to whether they continued to attach the same importance to the Act after the experience they have had of its working or non-working, and what is their feeling at the present time with regard to its retention?

I do think they regard those penalties as merely illusory; and as a mode of remedying the grievance, I believe they regard them as of no value.

319. Am I to conclude, from what you say, that the general feeling of the Protestants in Ireland would be to see the Queen's prerogative asserted, but no penalties stated, legislatively, against those who assumed those titles?

I do not think they have any desire to enforce these penalties, but they decidedly wish to have the Queen's supremacy maintained. I may observe that, at the time of the passing of the Bequest Act, the subject was considered, and it was pressed in the House of Commons upon Sir James Graham to give Roman Catholic Prelates the titles of their dioceses, but he would not do so. He gave them their titles of archbishops and bishops; but I remember his expression was, "I have demurred, and still demur, to their taking their titles from localities." On the commission under the Charitable Bequests Act, they were arranged in order of rank, with this view, that, in the absence of the official chairman, the senior commissioner present was to preside, and then it was thought proper to arrange them in order of rank, so as to allow the Roman Catholics an opportunity of presiding; but, otherwise, I think the effect of that was nothing more than to call them archbishops and bishops. I remember the late Primate telling me that, when he was first made a bishop, when he went down to Cork, the first person that called upon him was the Roman Catholic bishop, who did not call himself by the name of the diocese, and they were on the best terms possible. In their public documents in Ireland before 1847, I do not remember that it was usual to assume local titles; in that very document I mentioned of the year 1830, they all signed by their Christian names and surnames, and "D. D.," I think.

320. Earl of *Harrowby.*] With the cross in front, to mark their episcopal character?

Yes. I have seen it sometimes in this way, "Paul, Archbishop, &c. &c."

321. *Chairman.*] Have you formed any clear opinion as to what course it might be best to take with regard to this Act; whether to leave it unaltered, whether to alter it, or whether to repeal it?

I think that it is exceedingly important that in any amendment of the law on this subject, our own position in this country should be very clearly defined, that there should be no mistake about it, that you should take care, if I might venture to say so, to have very clearly set forth the independence of this country and the Queen's supremacy, and that as regards the church in possession, which we hold to be the Catholic church here established, there should be no infringement upon her rights; I think all that should be done, without any mistake about it; but with regard to the pecuniary penalty, I think it is of no value.

322. *Archbishop*

322. *Archbishop of York.*] You would set forth in an Act which repealed this Act, a statement of the law and constitution of the country as to the point touched on in the Act?

It should be very clearly stated.

323. In the Act?

In the Act; and it should also be stated that the purpose and the cause of repealing the enactment as to penalties, was that the imposition of them was ineffectual.

324. Earl of *Harrowby.*] What would be the sanction of the first clause of the Act by itself; what effect would it have; would it act upon persons, or would it act only upon documents?

The first clause, I think, is that which condemns the Papal brief.

325. Would that create anything in the shape of misdemeanor, and would it, of itself, inflict a penalty upon any individual, or would it merely disqualify documents as described from being appealed to in a court of law?

That was discussed at the time, and Lord Cranworth's opinion was, that it would not create an offence.

326. But it would prevent those documents from being brought before a court of law as having authority, would it not?

They never come before a court of law; they would be of no legal value.

327. With regard to mixed marriages, what would be the effect?

They never come before a court of law. They have nothing to do with the legality of marriage.

328. Earl *Granville.*] I understand you do not attach great importance to those old Acts of Richard the 2nd, because they are merely a declaration of the undoubted common law of the country; then, would the repeal of this Act cause any danger, such as that suggested at the last meeting of the Committee, namely, to put a case, that if a Roman Catholic bishop suspended one of his priests contrary to the canon law, though the appeal might rest with the Pope as far as they were concerned, yet as civil rights might be involved, the court would, under these circumstances, if this Act was repealed, not consider itself prevented from entering into the question?

I do not think that the repeal of the Act would make any change in the law; but it is a very different thing, looking at this merely as a lawyer, and looking at it as regards the way in which it would affect the public mind.

329. *Archbishop of York.*] But it might cause confusion, by appearing to alter the law?

Yes. It must be done with great care.

330. Lord *Somerhill.*] You stated that the Irish Protestants considered the Bill a bad one when it was enacted?

They thought it was like firing a blank shot.

331. They thought it was not sufficiently stringent?

That it was not adequate as a remedy.

332. Earl of *Carnarvon.*] Your answer to Lord Granville implied, did it not, that the old statutes and the common law would prevent such a case as Lord Granville described being dealt with in the same way in which a trust deed might be brought into court?

I said that the old Act is merely historical, containing a record of what the law is; and although it were repealed, it would leave the common law where it was; and therefore, legally, it would make no difference. Civil rights would be decided according to English law in all cases.

333. Earl of *Harrowby.*] Would it leave the law as it stood before the Reformation, in regard to this point?

The constitutional law is just the same. The constitution of this country has always been domestic, and though there have been occasional acts of usurpation of the Pope, the law of the country is a domestic constitution in Church and State.

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334. But it was a battle-ground constantly between the Church and the State, was it not?

It was a most difficult question to deal with. As an illustration, I find this in Mr. Gladstone's pamphlet on the supremacy:—"There is no European country in which ecclesiastical societies are exempt from civil control," with the one exception. "In every other country of Europe, the Church is still, even for spiritual purposes, in more or less of subordination to the State. The principle of this control is admitted very generally by the Protestants of the Continent, while, in the case of the Roman Catholics, it is rendered necessary by their connection with a foreign see." He says, in another place: "That the Pope was the source of ecclesiastical jurisdiction in the English Church before the Reformation is an assertion of the gravest import, which ought not to be taken for granted. It is one which I believe to be false in history, false in law, and which, in my view as an Englishman, is degrading to the nation, and, as a Christian, to the Church." When Dr. Doyle was examined before a Committee of the House of Lords in 1825, he was asked: "Is the power of the Pope to nominate directly, either a native or a foreigner to a Roman Catholic bishopric in Ireland, now acknowledged by the Roman Catholic Church in Ireland?" He says; "It is acknowledged by us; he has such power.—*Q.* Has it, in point of fact, ever been exercised?—*A.* It has not, in point of fact, ever been exercised to my knowledge.—*Q.* Has any attempt been made to exercise it?—*A.* There has not.—*Q.* But he has the right?—*A.* I conceive he has.—*Q.* Who names to the office of dean?—*A.* The Pope appoints to the office of dean." If you observe the clause of the Emancipation Act, it is confined to bishops and deans, because these are the officers who are supposed to have jurisdiction; and they are named in the section of the Act, because if you once let in jurisdiction (I distinguish jurisdiction from spiritual authority in the way of influence), then you let in something that is above law, but ought to be controlled by law. The Queen could not at present make a diocese in England; it must be done by Parliament; it would be interfering with the existing dioceses. Here the Pope takes upon himself to interfere with these dioceses in a way in which the Queen could not do, which only Parliament could do. That is a power, I take it, which you cannot recognise. You may find it very difficult to prohibit it by legal process; but it is impossible, without surrendering the independence of the country and a fundamental principle of the constitution, that you can recognise it. Hooker puts it very neatly, in his own way, about the mode of appointing bishops. He says, "In a bishop there are three things to be considered: 1st. The power whereby he is distinguished from other pastors; 2nd. The special portion of the clergy and people over whom he is to exercise that bishoply power; 3rd. And the place of his seat or throne, together with the profits, pre-eminences, and honours thereunto belonging. The first, every bishop hath by consecration; the second, his election investeth him with; the third, he receiveth of the king alone." (Hooker's Ecclesiastical Polity, book viii. ch. vii. 1. 2.) "It is the king's mere grant which placeth, and the bishop's consecration which maketh bishops." (s. 3). "Neither do the kings of this land use herein any other than such prerogatives as foreign nations have been accustomed unto." (s. 4). The way in which I work out the thing is this. Roman Catholics believe in the spiritual power of the Pope. We have relieved them from swearing against that, though we have not altered the constitutional principle of supremacy. We cannot help their having that opinion. They consider that the Pope should nominate their bishops; he does not make the bishops; it is the consecration which makes the bishops. But when he nominates their bishops we have nothing to do with it. A bishop is consecrated, and the Roman Catholics in a given district accept of him, and that admission and acceptance of him by the Roman Catholics in a given place, as their bishop, gives him a sufficient status in the eye of the law; the law does not pry further into anything *in foro conscientiæ* as between them and him; so that in that way it is like what Hooker says of election, placing the bishop over the clergy or people who wish him to exercise his power. But if they deny our jurisdiction, and ignore our Church altogether, and the Pope asserts his principle of supreme dominion, and seeks to set it up, that is a thing, I take it, that in the whole history of this country has been uniformly protested against. We allow them perfect freedom of conscience and freedom of exercising religion, as Roman Catholics. I have read over the Roman Catholic evidence, and think it is most painful to read the

the exaggerations of the effect of this law, as if we were persecuting and oppressing them. I cannot now discover, and I never could get a distinct proof, that any lawful function that a Roman Catholic bishop could have exercised the day before the Act passed, was hindered by the passing of the Act. I do not believe, in my conscience, that there was any.

335. *Lord Bishop of London.*] In comparing the authority which is claimed by the head of the Roman Catholic Church over the Roman Catholics, and that claimed by the government of the Wesleyans over the Wesleyans, do you consider the difference to be merely this—that the authority in one case rests with a foreign prince, and in the other with British subjects?
Just so.

336. But do you not also consider that the sort of authority claimed is entirely different?
Entirely different.

337. In what does the difference consist?
The difference is this; that the authority claimed in the case of the Pope is a foreign authority that claims to be above law. They say in the evidence that it is a spiritual jurisdiction; that it is a thing which the law has no right to touch; and then they define this spiritual jurisdiction for themselves, and put your law at arm's-length. You will find in the evidence of Bishop Moriarty, about the Act of Parliament, that he says in effect: "We treat it as unlawful and void. You might as well talk about repealing the Ten Commandments. I have my appointment, according to my opinion, by Divine right. That Divine right is above human right; it is a spiritual jurisdiction, and that your law cannot touch; and if you do touch it, the law in my view is null and void." Then they complain as if they were hindered from ordaining a priest, or as if they could not perform any of the regular functions appertaining to the office of a bishop, and huddle it all up together as a complication of grievances.

338. Do you consider that what is called spiritual jurisdiction really implies some temporal jurisdiction?
Yes, certainly.

339. And that is not the case with any other religious body?
No. Let me call your Lordship's attention to an illustration of it in the words of the famous Dr. O'Connor (Columbanus), who was a Roman Catholic. He says: "Until some more rational and Christian ideas of those spiritual jurisdictions are entertained by our exclusive doctors and synods, it is quite nugatory to allege that the oath of allegiance, which disclaims all power except spiritual, affords security either to the personal or national independence of our gentry and clergy, or to the tranquillity of the State. The word *spiritual* must be defined; its limits must be ascertained by law; for it is plain that, if abandoned to the waywardness of capricious interpretation, it is liable to the most glaring abuse." Moore, the poet and historian of Ireland, who was a Roman Catholic, says in his treatise on the Veto: "With respect to the distinction between spiritual and temporal power, by which you endeavour to reconcile your submission to the Pope with the free discharge of your duties as subjects and citizens, it is a security which the history of all the religions in the world too fully justifies a legislature in refusing to trust too implicitly. And, therefore, refine away as you will the spiritual authority of the Pope, there will still remain combined with it, in its present state, many gross particles of temporal power, which it is the duty of a wise Government to counteract by every effort consistent with the conscience of its subjects." With regard to the canon law touching temporal matters, it affects bequests of property. They have laws about bequests for pious uses, and for different purposes; they have one mode of administration, and our law has another. Then, again, their marriage law is different. Every year there is a Priest's Directory published, and every seven years it contains questions for the guidance of the conferences of the priests, under the orders of the bishops. The questions for this year were these: "(1) *De naturâ et principibus justitiæ et juris, atque de injuriâ tum in genere, tum in specie?* (2) *De restitutione in genere et in specie?* (3) *De Contractibus?* (4) *De Statutis, &c.*" For the year 1861 they published these questions: "(1) *An clerici teneantur legibus civilibus?* (2) *An leges Pontificiæ obligent statim*

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statim ac promulgatæ sunt? (3) *An sufficiat leges episcopales promulgari in civitate episcopali, et papales Romæ?* (4) *An obliget lex Ecclesiæ quæ, aliquo gubernio civili prohibente, acceptata non fuit?* (5) *An Episcopi possint leges Pontificias non acceptare?*"

340. How are those questions answered?

Those are to guide the conferences; they are issued by the bishops to direct the conferences of the priests, and then the priests are directed to train the consciences of their people upon them. There you have a question touching the restitution of property. That affects forfeited property in Ireland, which is at this time a very important subject. Bellarmine tells us the nature of this "spiritual jurisdiction." He says, "That the power of the Pontiff, properly, directly, and in itself, is spiritual; but that by it he can dispose of the temporal things of all Christians, when such a measure is necessary to the end of his spiritual power, to which the ends of all temporal powers are subordinate. He has no power merely temporal, and yet, in order to a spiritual good, he has the supreme power of disposing of temporal things. The spiritual power does not interfere in temporal concerns, but suffers all things to proceed so long as they do not oppose the spiritual end, or be not necessary to obtain it. But if anything of this sort occurs, the spiritual can and ought to coerce the temporal, by any way or means which may appear necessary." Now that is what gives so much importance to your not recognising these claims, beyond what is necessary for the free exercise of their religion. They seek now to have their titles recognised for the purposes of jurisdiction. How will it be in Ireland, supposing, for instance, a possible case; if you clear away the Church established by law, and the bishops placed in the dioceses by the Queen's authority, there would be clear space for the Papal system; the canon law would be the substantial law in a great part of the country.

341. Lord *Somerhill.*] Do you think that the present Ecclesiastical Titles Act is any effectual bar to that?

I do not, indeed; but the early sections of it are important, as setting forth the constitutional principles upon which we must take our stand; and I think that if, instead of the penalty, you had a complete searching inquiry into their canon law, by which they govern the people, something would come of it, and that there would be more effectual protection than by having a penalty which you do not enforce.

342. You think that that would be a guide to legislation?

I think so.

343. *Lord Bishop of London.*] I understand you to say that you think that it would be dangerous to the civil rights of the country to allow the Pope to have jurisdiction uncontrolled by the civil power?

I do; because I think it must be dangerous to allow any jurisdiction to be asserted in a country where that jurisdiction is not subject to the law of the land, and restrained by it.

344. And it is from a conviction of this that all the countries of Europe have subjected the Pope's authority to the civil power?

I believe that in every one there is a restraint, as Mr. Gladstone says, more or less.

345. Is not the difficulty of that being done in England very much caused by the fact of our having no diplomatic relations with Rome?

It may be so.

346. Earl of *Harrowby.*] But the mere fact of having diplomatic relations, unless those relations led to something in the shape of a Concordat, in which the Pope might consent to some restriction of his own authority, in compensation for something which he might gain, would give of itself no more means of dealing with the Pope than before, would it?

Some persons have proposed that, when they desired those titles, they should get the Queen's authority by a license, and that the license should be granted under certain conditions.

347. The

347. The whole question of the veto, or something of that kind?
Yes; that the titles should be held by the Queen's authority, and that the holders should take the oath of allegiance and get the license, and that that license should be under the condition of not enforcing any law not in accordance with the law of the land.

348. Do you think, from the present tone of the policy of the Court of Rome, that a concession of that kind is at all likely to be made?
I do not.

349. Earl of *Carnarvon.*] Do I understand you to say that the territorial designation of bishop or archbishop of a particular place carries with it, in your opinion, whatever may be the disclaimer, a temporal jurisdiction?
It does not *per se.* The name taken is not worth much squabbling about, if it stood by itself; but the name represents the territory. Wherever they plant their officers, that is in derogation of the rights of our Church; and they assert that they have a right to exclusive jurisdiction. That is the point. Then, if they take the territorial name, and if you recognise it, you encourage and abet the assertion of a claim which at the same time you deny to be lawful.

350. Would it relieve your objection, supposing the designation was not, "Bishop of a particular place," but "Bishop exercising authority in a place"?
What they say about being bound to violate the Act of Parliament, I think, is sheer nonsense. There is not a thing that is proper and necessary which they cannot do, by describing themselves quite consistently with the law; because a man might sign himself "Bishop of the Church of Rome, in the diocese of so and so." If the law was made very clear as to the constitutional position of this country, then, in connection with that, they should be recognised as bishops of the Church of Rome *in* their respective dioceses.

351. But assuming that the law was declared in some unmistakeable manner, you would not object to the designation of such a person as exercising authority in a particular place?
No; that is the way in which it is done in the case of the See of Jerusalem. The bishop there was consecrated as bishop of the United Church of England and Ireland in Jerusalem, under the Act of Parliament providing for the consecration of bishops for districts outside the Queen's territory.

352. Earl *Granville.*] You stated that although the Roman Catholics were now relieved from swearing that the Pope of Rome has no spiritual jurisdiction in this country, we continue to take the oath; is that the case, or to whom do you refer in saying "we"?
Down to the year 1866, Protestants took the oath; and the clergy of our Church are obliged to take it still; it is the Supremacy Oath; and after all, it is nothing but what is in the 37th Article; but the Act of 1866, which drops it, has a proviso to say that nothing therein contained shall weaken or affect the law for establishing the Queen's supremacy.

353. But we are relieved from taking that oath?
Certainly, but the law of the supremacy remains.

354. With regard to any restrictions placed by European Powers on the jurisdiction of the Pope, are not those almost in all cases matters of mutual arrangement; the sanction of the temporal power being given to his jurisdiction on the one hand, he accepting certain restrictions on that power on the other hand?
I do not think so in all cases, though it is generally so; there are some countries, I believe, in which it is not so. Your Lordship is better acquainted with that than I am; but I think that is not universal.

355. Earl of *Harrowby.*] In olden times the English barons would not allow the canon law to affect the law of marriage, I think?
Nolumus leges Angliæ mutari.

[The Witness is directed to withdraw.

Dr. JOHN THOMAS BALL, Q.C., LL.D, is called in; and Examined, as follows:

Dr. *J. T. Ball*, Q.C., LL.D.

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356. *Chairman.*] WHAT is the office which you fill in Ireland?

I hold two offices. I am Vicar General of the province of Armagh, and I also am Queen's Advocate in the Admiralty in Ireland. There is no Queen's Advocate exactly with the same office as Sir Robert Phillimore did hold, and as Sir Travers Twiss now holds in England; but there is the office of Queen's Advocate in the Admiralty, and the person filling that office is usually consulted in everything relating to ecclesiastical and testamentary and maritime affairs for the Crown.

357. Have you had occasion to consider the operation of the Ecclesiastical Titles Act in Ireland?

I cannot say that there has been very much operation from it, except that there is a good deal of discontent on the part of the Roman Catholics at its existence.

358. But on that very point of operation, does it seem to you satisfactory that the law should impose certain penalties which in no case are enforced or sought to be enforced?

I think it is not; but I must say that I am entirely opposed to penal legislation. I consider that the second clause of the Act was in every respect a most injudicious enactment, and not at all calculated to serve the Established Church.

359. It produced at once great irritation amongst the Roman Catholics, did it not?

It did; it produced an irritation in which there was a great deal of personal and individual feeling involved, which made it worse.

360. In what way did that personal feeling become involved?

The Roman Catholic Bishops are jealous of the declaration against assumption of titles, and jealous of the titles not being accorded to them; and it has created an embarrassment in private society and in courts of justice as to allowing them the kind of titular dignity which they certainly, in common conversation, had before.

361. At the time of the passing of the Act, it is probable that the Protestant people in Ireland looked upon that Act with favour?

I do not think that in Ireland there was very much feeling about it, one way or the other, among the Protestants; I think among them at the time when it was passed there was no demand for it.

362. Is there now much anxiety for the retention of those penalties?

I cannot speak as to the general feeling; I can only express my own opinion as to its impolicy, and I will state presently the reason.

363. You think that it might have been more desirable if, in the year 1851, we had merely asserted the Queen's undoubted prerogative, and had not sought to enforce it by pecuniary or other penalties?

I do; but perhaps your Lordships will allow me to say that, in my judgment, the first clause enacted nothing new. My view of the law is that if that Act of Parliament had never been passed, and if the clause in the Emancipation Act, with a similar effect and intention, had never been introduced, by the law of England every line, syllable, and letter of the first clause of this Act is absolute and undoubted law.

364. Earl *Granville.*] Then, do I rightly understand you to consider that the first clause is useless, and that the second is injurious?

Precisely. I was just about to put it in that way. The view I take of the law is this; looking only to the Acts of Henry 8th declaring the Crown's supremacy, in particular the 26th of Henry 8, c. 1, in England, corresponding to the 28th Henry 8, c. 5, in Ireland, my opinion is, that from the time those statutes were passed (and they are declaratory Acts) by the law of England, any

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any such documents as are described in the first section of this Act were absolutely null and void. To make this more certain, there is an Act of Henry 8th, the 28th of Henry 8, c. 16, which was repealed by Philip and Mary, and was revived by the 1st Elizabeth, c. 1, which is absolute and express as to the nullity of those bulls, briefs, and rescripts. The law I take to be exactly the same in England and Ireland, because the 28th of Henry 8, c. 5, Irish, is precisely the same as the 26th of Henry 8, c. 1, English, that is, as to the supremacy of the Sovereign; and, supposing that a clause of a declaratory Act in England were omitted in an Irish Act, in my opinion the Irish Courts would still be bound to construe the law according to the English Act, because the English Parliament, having declared the common law by that Act, and not created a new right or a new enactment, that would operate in the courts in Ireland to determine what was the rule of the common law. Therefore I take it that, as regards the law in England and Ireland, even though there might be some variance of the words in some of the statutes on this subject in each country, the same principle would apply in both; and that from the reign of Henry 8 the proposition affirmed in the first clause of the Ecclesiastical Titles Assumption Act is absolute and undoubted law.

365. Earl of *Harrowby.*] But not only from that time, but from previous times?

Certainly. Taking the statutes as declaratory Acts.

366. Was that equally true in regard to ecclesiastical courts as in regard to courts of common law?

Certainly. I have avoided going into a historical review of the law as to the authority of the Pope prior to the Reformation, because that would raise the question whether the statute of Henry 8 does truly represent the law prior to it; I am not at liberty to question that it does. When once that statute was passed by Parliament, it was a final declaration of the common law, and it is not open to any lawyer to question whether it gives a true declaration of it.

367. That bears upon the ecclesiastical courts as well as upon the courts of common law?

Absolutely; because there are acts to declare that those courts are under the Crown's control, and not under the Pope's.

368. Supposing that those Acts of Henry 8 were repealed, what would be the result?

I do not think that it would alter the law, unless in repealing them you also declared that it was an erroneous statement of law, because it was an affirmative declaration of law, which you will only get rid of by a counter negative declaration.

369. *Lord Privy Seal.*] Then, you consider the Ecclesiastical Titles Act to be surplusage?

As to the first clause, I do consider it so.

370. If it is surplusage, it amounts to nothing more than what the law was before?

That is all.

371. Then why should the Roman Catholics be more annoyed at what was mere repetition than they were at the state of things before this Act was passed?

I must say for myself that I think the Roman Catholics have raised and suggested many matters as grievances in connection with this law, which I do not consider as grievances; I am not here to explain why they view a thing in a particular light, because my own judgment is that a great deal of their feeling about it, and their opposition to it, has not a solid basis to stand upon; but the fact that they are discontented is a fact which I have to meet, and the fact of that discontent obliges me to see if I cannot, in some manner or other, adopt such a course as would conciliate them, and remove that discontent, and I believe that the repeal of the second clause of this Act ought to effect that object.

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372. Duke of *Somerset.*] I understand you to say that first of all the repeal of this Act would make no difference at all with regard to the law?

That is the first clause.

373. Then, do I understand you to say that you think it desirable or that you think it undesirable to allow the Roman Catholic prelates to assume the titles?

If your Grace will allow me, I will answer that on the second clause, because the first clause, in my opinion, does not make the taking of the title criminal.

374. *Chairman.*] Will you now explain, in detail, your objection to the second clause?

My objections to the second clause are these: at the time that that clause was passed, titles were from courtesy often accorded, in conversation, to Roman Catholic prelates; you would speak of the Roman Catholic Archbishop of Dublin, and from courtesy I myself, in examining a Roman Catholic bishop in testamentary cases, in which I am very much concerned, would, from courtesy, say to him, "My lord;" but all that, as every one understood while doing it, was a titular dignity without any reality. In fact, the position of a Roman Catholic prelate was exactly similar to the position of some persons in Ireland who are descendants of gentlemen on whom James the 2nd conferred peerages after his abdication: I will name two, I have often heard their names, Lord Galmoy and Lord Riverston; neither of them have real peerages; still in courtesy, in conversation, I have known them to be described and called as Lord Galmoy and Lord Riverston; every person in doing that, assumed and took for granted that you understood that there was no reality in it beyond courtesy. When this Act came out, it appeared as it were to be aimed at that courtesy (I am speaking now of the feeling in Ireland), to be aimed at what did not offend; in that way, I think that the second section, by making that declaration at that time, created ill-feeling and was injudicious. The second matter I object to in the section, is the mode of enforcing it; what can be conceived less dignified and less worthy of the assertion of a great constitutional principle than to hand it over to a common informer? The breach of this Act is put precisely on a level with a breach of the Bribery Act, or a breach of the Act by a Poor Law Guardian as to taking a contract. The mode is by a common informer bringing an action for the sum of 100 *l.*; you put this matter of grave importance, for if it is of any importance at all, it is of the gravest importance, touching the dignity and authority of the Crown of England on a level with offences of the characters which I have mentioned; I think that is objectionable; I also think it highly calculated to offend the susceptibilities of the Roman Catholics to place breaches of this Act in the same category with offences of the characters which I have described.

375. Duke of *Somerset.*] The second clause to which you have referred, says that it must be with the consent of Her Majesty's Attorney Generals in England and Ireland?

No doubt; but in court nobody would appear but a common informer, with his action before the jury, and he might be a most obscure person; if it is a proper thing to vindicate the law, why is it not vindicated by the recognised officer of the Crown for that purpose.

376. Would the informer be heard if he came without the consent of Her Majesty's Attorney General?

It would not appear upon the record whether he appeared without consent or not, but the action would be stopped on a motion unless you showed the Attorney General's consent. There are other proceedings which require the Attorney General's consent. If you proceed under Sir Samuel Romilly's Act in chancery in charitable cases, you must have the Attorney General's consent to your petition; but the petition is not in the name of the Attorney General.

377. *Lord Archbishop of York.*] You are then of opinion that the simple repeal of the second clause would remove that irritation which you know to exist?

I think it ought to do so. I cannot answer for the Roman Catholic clergy or prelates. My idea is that they have greatly exaggerated, as I have said already, any grievance arising from the law.

378. Duke of *Somerset.*] Returning to the question whether it is desirable or undesirable to allow the Roman Catholic prelates to assume the titles which they have claimed, what is your opinion upon that point?
I would leave it without taking notice of it.

379. You would leave it perfectly vague?
I would leave it as it stood before the statute.

380. Of course when a law has been passed, the repeal of that law would have upon the public mind a different effect from the state in which the law was before the enactment was passed?
That is only a matter of feeling. It would not vary the law if the other statutes were left existing; but that objection, if it is an objection, might be got over by repealing the second clause and retaining the first, or by a proper preamble.

381. Earl of *Carnarvon.*] The first clause, as I understand, in your opinion, would carry no penalty with it, if it stood by itself?
No.

382. *Lord Archbishop of York.*] The question has been raised in this Committee whether a breach of the first clause would be a misdemeanor; have you formed any opinion upon that?
I think that there would be extreme difficulty in conducting a prosecution or framing an indictment founded upon it; but I would not give a positive opinion without more consideration. I am under the impression that there is some declaration in one of Henry the 8th's Acts, which might carry the law much farther than that first clause.

383. Earl of *Carnarvon.*] But if it should appear that a charge for misdemeanor was possible under that first clause, of course a penalty would be carried with it?
Every misdemeanor would involve some punishment, but not of the same character as a penalty. That would be a criminal offence. I confess I doubt very much if there could be a prosecution on the first clause in a criminal court.

384. *Lord Archbishop of York.*] Then, as a practical matter, there need be little apprehension that there would be any use of the first clause in a criminal proceeding; is that your opinion?
Yes.

385. Earl of *Harrowby.*] It would have the effect of disqualifying the production as authority of any document of the nature described before a court of justice?
That is another matter. I cannot conceive any way in which the question of the authority of any ecclesiastical document from Rome, as long as the Roman Catholic Church is not recognised by the State as an organised body with inherent power and vitality in existence by itself, would arise in a court.

386. But supposing there were a question of dispute between two ecclesiastics of the Roman Catholic Church, what then?
That could not come into a court of law.

387. Are there no temporalities connected with it?
No.

388. Are there no manses; is there no power of access to a certain chapel, for instance?
That would be with the parish priest, but the parish priest is not within that Act.

389. Would not the parish priest be apt to quote his appointment by some ecclesiastical authority?
That appointment would be looked at, and I do not think that clause would prevent its being received to show he had been appointed, although not to prove legal rights. Besides I think a parish priest could prove in a court of law, even without a document, that he was acting in that character.

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390. Lord *Somerhill.*] Could you in a court of common law prove that he was appointed by competent authority?
That clause does not go at all to the case of a parish priest.

391. Not directly, but would it not in this case possibly do so? Such things have occurred as a parish priest being suspended as being contumacious, and where he is a popular priest he has had a part of the congregation with him, even to the extent of nailing up the chapel door and occasioning scandalous scenes; you may have heard of such cases?
I was counsel myself in a case as to the right to a pew in a Roman Chapel, and in that case I entertained no doubt whatever that no religious status could be looked to at all; the chapel simply must be viewed as the property of the persons in whom the legal estate was vested, and the court could not go into any rules of a religious or ecclesiastical character connected with it.

392. *Lord Archbishop of York.*] I understand you to say that you would overlook the use of the titles from the time that this clause was repealed?
Yes.

393. It has, however, been stated that those titles imply and go with a jurisdiction?
It is a voluntary jurisdiction; it is a jurisdiction which everybody knows has no mode of enforcing itself; it could not be recognised in a court of law, and for every purpose of law it is an absolute nullity.

394. But it is a jurisdiction against which other powers have felt it necessary to protect themselves, is it not?
If this country were a Roman Catholic country, it would, in my opinion, be far more necessary to protect yourselves, because the moment you recognise the Roman Catholic religion as in any way connected with the State, you must rigidly and accurately define the limits and boundaries between Church and State. If you do not recognise the Roman Catholic religion, but treat it in the same way as you do any other nonconforming body, you have nothing to do with their laws, or with their system, except when some tangible right of property happens to arise, which must be determined not by their laws, but by the law of England as to property, and by whatever are the legal rights of the persons representing that property apparently to the public.

395. *Lord Bishop of London.*] Then, you think that the first clause of the Act and the law of Henry VIII. and the law which that recapitulates, is all useless?
I think that the first clause in the Assumption of Titles Act is not necessary.

396. But is not what you have said now, that you consider that there is no necessity for protecting ourselves against the jurisdiction of the Pope?
Not that there is no necessity for protecting ourselves against it by declaration that the Acts are null and void; but that there is no necessity for protecting ourselves by making it penal to assume an invalid title.

397. May we assume that you think it is dangerous to allow the jurisdiction of the Pope?
I would not alter the law. We have asserted the royal supremacy, and it is part of the constitution of England.

398. *Chairman.*] As Vicar General of the Province of Armagh, you must have been able to form a valuable opinion upon this point; in general, in your judgment, does the existence of this Act afford any security or safeguard of any description to any of our Protestant settlements or institutions?
I am of opinion that it does not, but that on the contrary, by creating on the part of many a jealous feeling, it is injurious. Our policy is to conciliate the Roman Catholics.

399. *Lord Bishop of London.*] Does not that apply to the first clause as well as to the second?
I think not. It is not penal, in my opinion, under the first clause to take those titles. That clause is a mere declaration of the law of England, which has been repeated over and over since the Reformation; that the supreme ecclesiastical

ecclesiastical authority is in the Sovereign, and nowhere else. There is nothing, in my opinion, offensive in that.

400. *Chairman.*] At the same time, while in your judgment those penalties afford no security to any Protestant institution, they, as a matter of fact, have irritated and inflamed, to a very great extent, the Roman Catholic population?

That is my opinion; and I do not confine my observation to Roman Catholic ecclesiastics. I am very well aware of the feeling of the Roman Catholic judges and the Roman Catholic bar, with whom I am extremely intimate; and I believe that their feeling is as strong as that of the ecclesiastics against the second clause.

401. *Lord Bishop of London.*] But do not the Roman Catholic authorities hold that the Pope has jurisdiction, and the right of conferring jurisdiction, in England?

I believe they do.

402. Therefore, they hold what is contrary to the law as it existed prior to this statute?

I am under the impression that they hold that the Pope has only a spiritual jurisdiction; at least, I am quite certain that that is the view taken by intelligent Roman Catholic laymen in Ireland.

403. But do they not hold that he has that which you say the law of England declares that he has not?

For purposes of a legal character he has it not; but he may have it by voluntary admission of persons as individuals; and I see no harm in that.

404. Why do you think that it would be desirable, then, to retain a law which says that he has it not?

Because it is necessary to make the declaration with a view to declaring the exact *status* of the Crown of England with regard to ecclesiastical affairs.

405. Then, is not the declaration of *status* the very grievance of which the Roman Catholics complain?

No; I think it is the penalties, and the being forbidden to use the titles which, through courtesy, they have been accustomed to in Ireland. I do not speak about England at all. I am not acquainted with the feelings of the English.

406. *Lord Archbishop of York.*] Then, you would disregard this claim on the part of the Roman Catholic bishops to be the only bishops?

I would totally disregard it.

407. Are you able to make a sharp distinction between spiritual and temporal jurisdiction; is not that rather difficult?

I would call it spiritual jurisdiction to say that a particular individual was to be bishop. It is spiritual jurisdiction for the bishop to say that such a man is to have the cure of souls in such a place; but when you come to money and property, then you come to temporalities. The Roman Catholic Church in Ireland, as a Church, subsists upon voluntary contributions, freely offered.

408. *Lord Bishop of London.*] Do Roman Catholic bishops hold, or profess to hold, any courts?

Not that I ever heard; and I am quite certain that there is none over the laity. But if an ecclesiastic is guilty of any offence, he submits voluntarily to the jurisdiction of his ecclesiastical superior, and there is an appeal to Rome, because I have known the appeal taken to Rome and decided there; but all that is by voluntary submission. It is a right which is incapable of being enforced, and it does us no harm if they choose voluntarily on the one hand to concede the right, and on the other hand to assert it, among themselves.

409. We had it stated a short time ago, that instructions were sent to the Roman Catholic clergy with regard to the succession of property as a point to be discussed by them, and that the clergy were instructed as to what they were to teach the people about the succession of property; if a clergyman acted contrary to what the Pope and the bishop had settled in that matter, would he not be guilty of an ecclesiastical offence?

 I cannot

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I cannot answer about that voluntary arrangement among themselves; but it is plain that it would not be an offence cognizable, tangible, or capable of being recognized in any court.

410. But does not that illustrate the great confusion which exists as to the limits of this spiritual jurisdiction?

No one can deny that it is among the *arcana imperii*. If you proceed to give full definitions of what the Queen's supremacy is, I venture to say that you will find it very difficult. It is one of those matters in which the line of demarcation is very faint, and which you are perpetually crossing over; but it is quite sufficiently laid down by the law of England, in my opinion, without entering into those minute and nice distinctions which, whenever they do arise, will unquestionably give very great difficulty to the judges who have to decide and adjudicate upon them.

411. Would not a difficulty arise in this way, if the ecclesiastical authorities, in virtue of their jurisdiction, taught one law about marriage, and the law of the land laid down another?

The law of the land would totally disregard their teaching; the rights and *status* of children of families would be decided irrespective of their teaching; at this moment the law of Ireland about a Roman Catholic marriage is in direct contradiction to the law of the Council of Trent. In my opinion a marriage celebrated in Ireland by a Roman Catholic clergyman between two Roman Catholics is valid, although it be at any hour of the night, without the slightest previous notice, with every conceivable irregularity, and without another witness than the Roman Catholic clergyman himself. By the Council of Trent, there should be two witnesses, and otherwise, I believe, certain safeguards are introduced. By the law of the land those safeguards are matters of discipline, but are not essential to the constitution of the marriage, which must be regarded as if the Council of Trent never had sat; because you must take the common law as regards a Roman Catholic marriage as it stood in England prior to the Council of Trent. I mention that as an instance where, in the case of Roman Catholic subjects and Roman Catholic marriages, the law of England is clear and distinct in asserting its own doctrine that a marriage is good, and yet the law of the Church expressly forbids the marriage to be celebrated in that manner.

412. Lord *Colchester*.] Is not the social effect of that to make the spiritual jurisdiction coercive?

Such spiritual jurisdiction derives its efficacy only from the belief and willingness to submit of the individual against whom it is directed; it deprives him neither of goods, property, nor social rights. If an individual is influenced by it, it is from the conviction of his own mind, and you can no more operate upon that than upon any other phase of belief which the human mind may choose to adopt.

413. But may not the opinions of third parties, such as a man's neighbours, give the alleged jurisdiction a force which it may not have upon his own conscience?

That you cannot deal with by law.

414 Earl of *Harrowby*.] In regard to marriage, would a Roman Catholic priest feel himself at liberty to marry a person who had been only married in this way contrary to the directions of the Council of Trent?

No; I am not speaking now of what practically occurs. I am speaking of what is law; but, practically, it scarcely ever happens that such a marriage takes place, because the Roman Catholic clergy obey the discipline as a fact; but there have been occasional instances.

415. Lord *Somerhill*.] There used to be priests called "Couple Beggars," used there not?

Yes; what made those marriages valid was because we applied to them the old common law.

[The Witness is directed to withdraw.

Mr. WILLIAM GERNON, is re-called; and further Examined, as follows:

Mr. *W. Gernon.*

28th April 1868.

416. *Chairman.*] I GATHER from a letter which you have addressed to me, that when you were last before this Committee there was one point upon which you had wished to make some observations, but which escaped your memory at the moment; and in that letter you also state that this point referred to the designations to which archbishops and bishops of the Roman Catholic Church are entitled, when communicated with officially. Will you have the goodness to state what it is that you desire to lay before the Committee on that point?

It arose in this way: Some few years ago I presented an official report to my Board, at a time when there were as members of it, his Grace the late Archbishop of Armagh and Bishop Denvir, the Roman Catholic bishop. I commenced that official report with the words "My Lords and Gentlemen." The Chairman interrupted me, and said, "Who are 'my Lords' at this Board?"

417. Who was the chairman at that meeting?

I think it was the present Judge of the Court of Probate in Ireland, but I am not quite sure who was in the chair: he said, "Before you go any farther, who are 'My Lords' at this Board?" I said, "I think, Sir, the Archbishop of Armagh and Bishop Denvir." He said, "I do not think Bishop Denvir is entitled to be officially addressed as 'My Lord.'" I answered, "With great respect, Sir, I think that the minutes of the Board have uniformly treated him as such, and that the royal warrant originally appointing him has also treated him as such." One of the Roman Catholic Commissioners present at that meeting then took up a copy of the Act of Parliament, which was bound by the Queen's bookbinder for the use of each member of the Board, and he handed it playfully to the chairman, and said, "The Queen's printer has these words 'The Right Reverend Lord Bishop Cornelius Denvir;' after that I presume you will have no objection to have him designated as 'My Lord.'" The Chairman then did not further press his objection, and the report remained officially as it was, with the words "My Lords and Gentlemen." Since that occasion I may say that I have uniformly addressed Roman Catholic Archbishops and Bishops in my official communications, as "My Lord." I am aware that there are public departments in Ireland (I believe the Chief Secretary's office is one, and I rather think the Poor Law Board also is another) in which they are designated in correspondence as "Right Reverend Sir;" but having regard to the fact that Her Majesty's warrant, which I mentioned to your Lordships upon the day that I had the honour of appearing before your Lordships before, describes the Archbishops as "Our right trusty and well-beloved the Most Reverend Archbishop William Crolly, and the Most Reverend Archbishop Daniel Murray"; and when it comes to speak of the Bishop, it describes him as "Our trusty and well-beloved the Right Reverend Bishop Cornelius Denvir;" I think that the designation of "Right Reverend Sir" is not a proper or correct designation. Upon the first meeting of the Board, held on the 9th January 1845, at which the late Lord Chancellor of Ireland, Mr. Blackburn, who was then Master of the Rolls, and first Chairman of the Board, was present, the members were described in this way: "Members present: The Right Honourable the Master of the Rolls in the Chair: The Right Honourable the Lord Chief Baron; The Right Honourable the Judge of the Prerogative Court; His Grace the Lord Archbishop of Dublin; His Grace the Lord Archbishop William Crolly; His Grace the Lord Archbishop Daniel Murray; The Right Honourable the Earl of Donoughmore, K.S.P.; the Honourable and Very Reverend the Dean of St. Patrick's; The Right Honourable Anthony Richard Blake; The Reverend Dr. Pooley Shuldam Henry." Since the date of my appointment I have followed the practice of addressing the Archbishops and Bishops of the Roman Catholic Church, as "Your Grace" and "My Lord."

418. *Lord Archbishop of York.*] Then you have not withheld the title by reason of the Ecclesiastical Titles Act?

No; the practice has, I may say, been uniform at my Board.

419. I think you stated that your Board administered under what is called the Charitable Donations and Bequests Act in Ireland?

Under the 7th and 8th of Her present Majesty, chapter 97; there was an

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Act passed last Session, but it merely supplements and increases the powers of the Board.

420. Did you come here to show the inconveniences attaching to that Act from the Ecclesiastical Titles Act?

Yes.

421. But are you aware that the 4th clause of the Ecclesiastical Titles Act exempts that particular Act under which you administer from its own operation?

It exempts it in terms, but I do not exactly see how, if a bishop of the Roman Catholic Church was described by his territorial title, that saving clause would have any effect.

[The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, One o'clock.

Die Martis, 5° Maii 1868.

LORDS PRESENT:

Lord Archbishop of York.	Lord Bishop of London.
Lord Privy Seal.	Lord Bishop of Oxford.
Duke of Somerset.	Lord Redesdale.
Earl Stanhope.	Lord Colchester.
Earl of Carnarvon.	Lord Somerhill.
Earl of Harrowby.	Lord Lyveden.
Earl Granville.	

The EARL STANHOPE, in the Chair.

The Right Reverend Bishop GRANT, D. D., is called in; and Examined, as follows:

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422. *Chairman.*] As Bishop of the Roman Catholic Church, you exercise, if I mistake not, your spiritual functions in the district of Southwark?
I do.

423. May I ask how long you have been a Bishop in that district?
Since July 1851.

424. Since the same year, therefore, as the Ecclesiastical Titles Act was passed?
Yes.

425. May I ask where you were during the passing of that Act?
I was in Rome during the greatest part of the Session. I came to England in September 1851, so that I think that the Act must have been passed before my arrival.

426. You arrived then subsequently to the passing of the Act?
Yes, but I was Bishop before that; I remained in Rome some little time after consecration.

427. You remember the brief of Pope Pius IX., which for the first time established dioceses in England?
Yes.

428. It has been stated to this Committee that, as would appear from that brief, one of its objects was to avoid any infringement of the Act of 1829 by providing that the titles borne by the newly-appointed Roman Catholic prelates should not clash with any titles borne at that time or now by prelates of the Established Church; would that be your opinion?
When the petitions which led to it were presented in 1848, I was with the Bishop of Birmingham in Rome, when he produced an extract from Mr. Anstey's book on the penal laws, stating that by the Act of 1829 new titles would not be illegal. The extract to which I refer is as follows: "This enactment (Emancipation Act of 1829) is confined to cases of assumption or user by the prelates themselves; there is nothing to prevent their being so styled by others, or even addressed. Even in a clear case, it will be often difficult to sustain the charge of assuming or using the name, style, or title in question. Nothing short of the literal expression 'Archbishop' or 'Bishop,' or 'Dean,' with the true addition of the locality (as 'York,' &c.) would seem to justify that jealous dis-

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trust with which the Courts regard new penal enactments." Cardinal Barnabo, who had principally to attend to all the details for the consideration of the other cardinals, said: "We have always stood back and hesitated until this extract was produced, which shows that without touching the English law new titles could be given."

429. It is remarked, however, in a work which Sir Travers Twiss published at the time, that it appears that a departure from that general rule was intended in the brief, inasmuch as one of the prelate's sees then formed was to bear the title of the Bishopric of St. David's and Newport, St. David's, as I need not remind you, being one of the sees of the English Church?

The preparatory work of getting the brief ready naturally occupied a long time, and the last hands through which it was passed were those of Cardinal Vizzardelli, who was considered one of the first Latinists and canonists of that time; and I remember his distinctly stating to me that the two names were united together, in order to avoid touching the law of 1829. Newport is put with Menevia, on purpose to avoid touching the law.

430. Who is the present Roman Catholic Bishop in the district of Newport?
Dr. Thomas Brown.

431. Can you inform the Committee whether, when he is addressed by any of those who are in communion with him, or when he takes any appellation to himself, he takes the title of Bishop of Newport, or of Bishop of St. David's?

In all ordinary conversation he is always called the Bishop of Newport. Officially, he would take the two titles, but he has always taken St. David's in the Latin form of Menevia.

432. The object of that course being, to conform to the Act of 1829?

The distinct object, in putting the two together, was to keep within the terms of the law as explained in Mr. Anstey's book; viz., that it would not be in any way against the law to take titles which were not existing titles.

433. Since the passing of that Act, have you had occasion to observe any inconvenience arising from it, in the case, for instance, of Roman Catholic bequests or in any other business with which you may have had to deal?

It has only been in existence now since the year 1851, and the cases of testators who have made wills for Catholic purposes since then, and who have died, have naturally been as yet rare; but I have known three cases in which the title was used, in which it was necessary to get it changed beforehand. The testator said, "I intend to make my will in such a form," and we said, "Do not do that, because that will frustrate the purpose of it." But if anybody happened not to take the advice of counsel before he made his will, and made his will in that title, we have been always told that the court could not enforce payment. If any executor said, "I am ordered to pay certain money to the Bishop of Newport," the Bishop of Newport would have no means of compelling payment, and the court would not enforce it. I am now alluding to the practice with Catholics of leaving in the name of their Bishop (his title alone being given) bequests intended for schools or other purposes of charity.

434. Then, in point of fact, there would be no inconvenience, would there, provided due caution were used?

Yes; there would be always this inconvenience: that testators, as a rule, keep their intentions secret, and then when at last their wills come out, it is too late to ask them to identify the person; and trusts will thereby be frustrated which they really intended, and which they quite naturally expected would be administered by those whom all through their life they had been accustomed to call their Archbishop or Bishop; the testator says, "I wish this to be administered by our Bishop," and then when the testator is dead there is no further chance of rectifying it.

435. *Lord Archbishop of York.*] But if the name of the person holding the title also were added, the bequest would go to the proper quarter, would it not?

It is for the Courts to say whether, by adding the title, you have not brought in the territorial quality which the law disallows. It would always expose us to a law-suit if any body said that the principal idea in the testator's mind was the ecclesiastical quality rather than the individual identity.

436. Lord

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436. Lord *Lyveden.*] Are there not a number of persons who make their own wills?

Yes; a good many.

437. Would not they naturally leave property to the title rather than to the individual?

They would leave it to the title without thinking of the testamentary disability arising from the Act of 1851.

438. And that would be void, would it not?

That would be void.

439. *Chairman.*] Would there not also be this further case; we might suppose that, very naturally, a Roman Catholic testator feeling confidence, not only in the prelate who is now exercising episcopal functions at Birmingham, but feeling confidence also in any successor appointed by what he considered the right authority to appoint to that function, might therefore wish to make his bequest, not to the actual prelate by name, but to any person who, in his judgment, was filling that see?

Yes, it is constantly the case, so that only the other day, where a priest had been in a very poor place, and he said: "Well, I can manage to live here, but I see no means of providing for a successor, except by leaving my own money to you to take care of." Of course he did not designate me in my own individual capacity, but the Bishop for the time being was to protect the money for the priest who should succeed him; and as he proposed to use my official name, his act would have been void.

440. Has such a case yet arisen in any of the Courts of Law in England?

I do not recollect any case arising upon the title being used; but I asked about it, and I was told that if it were used the Courts would not enforce payment of the bequest.

441. And the bequest would become void?

If it were land, it would go, I suppose, to the heir-at-law; and if it were personalty, it would go to the residuary legatee, unless the testator specially provided otherwise for either description of property.

442. May I ask what observation you have made as to the effect of the Ecclesiastical Titles Act upon the feelings of the Roman Catholics in England?

It has been a constant source of annoyance and trouble; and what made the feeling stronger was this: that until the year 1829, although there had been very severe penal laws passed in olden times, there never was any law against Bishops as such, and it was never made penal. A priest, as your Lordships well know, could be tried for being a priest, and for saying mass, and there were all kinds of penalties in every form against priests; but there were none against Bishops. Then, when the Act of Emancipation came, it did not come as punishing a new crime; yet it, so to speak, invented the crime, because no one supposed that anything had been done to provoke it; and in giving emancipation, which affected the civil rights of Catholics, it appeared to be very unnecessary to add this clause. Then afterwards, again, when pains were taken not to infringe the Act of 1829 in the English case, it was felt to be the greater grievance that the Titles Bill should be brought in. It has always been spoken of as an annoyance of which we cannot tell the extent, because until some law suit arises which compels the courts to work out the full meaning of the Act nobody can tell the injury that it may do, or the effect that it may have.

443. Has it been a source of great irritation in the minds of Roman Catholics, so far as your observation has extended?

Of late years we have tried to avoid every subject of irritation since the political excitement has been so great in Ireland, and in other ways; but whenever it is spoken of it is spoken of as a grievance, and as a thing that we were pained at, and which we were sorry to find had been done. It was always spoken of in that way, but naturally, ever since this late political excitement has arisen, everything which has been personal we have tried to forget, in order to do as much good as we could in calming the minds of our people who were otherwise excited.

444. In your judgment, has the annoyance felt by the Roman Catholics in England been aggravated by the consideration of the different treatment to

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which the Bishops of the Episcopal body in Scotland are subjected, inasmuch as the principle of the Ecclesiastical Titles Act being to deny titles to those who have not received those titles from the Queen's authority, there is a special clause in that Act to exempt the Bishops of the Protestant Episcopal body in Scotland from its operation?

It naturally might. I could not say that I have ever heard it discussed in that way; because we have looked at the more direct and immediate annoyance which arose in the Act itself.

445. Have you formed any opinion in what manner, supposing the Legislature were to repeal or alter those Acts, it might be proper to address officially the Roman Catholic prelates in Ireland, where the titles are not different, as in England, but the same. In the case of Dublin, for instance, there being there an Archbishop of Dublin of the Established Church, and also a prelate of the Roman Catholic Church holding the same rank and claiming the same title, has it occurred to you in what manner it might be advantageous to address the latter?

What strikes me about it is this: that the Legislature has accepted the difficulty, because it left it free to everyone in the United Kingdom to use the title except the man himself, by both the Act of 1829 and that of 1851; so that the Legislature has never looked for any solution of the difficulty, but they have trusted to the common acceptation of society, and they have trusted to people knowing whom they were addressing. Those who were friends would address us in one way, and those who were enemies would obviously avoid it; but as no Act of Parliament has ever required us to find another denomination, except when speaking of ourselves, the Legislature seems to have supposed that it will right itself like any other difficulty. There may be two Members of Parliament, for instance, for any borough, but there is always some way of distinguishing one from another. The Act of Parliament has never, as your Lordship notices, found that that would be a serious question, otherwise it would have said that no one else should use the title.

446. My question was rather to the point, whether you had formed any opinion as to how it might be expedient, in any new legislation on this subject, to designate the Roman Catholic Bishop exercising functions in any diocese?

I consider it would be better to leave things as they were before the year 1829, and not to try to find a title, for this reason, that if the Legislature chooses a title then it would be necessary always to use it, and it is very hard to persuade ordinary people, in deeds and wills and other acts, always to use that name; and therefore I have thought it would be always safer to leave it just as it was before 1829, and to suppose that the right name will be used. I have never thought that there would be any way by which it could be done without perhaps causing fresh annoyance, and without also bringing in legal difficulty. Whenever the law chooses a name it insists upon that name, and that might very often frustrate very good and laudable intentions, because people might not always know that they were obliged to use that form of expression.

447. But would not that bring us back to the difficulty which you began by stating; supposing that a testator, who might be perhaps not a very accomplished man, wished to keep his bequests secret, he might then say, "I will leave the property to the Archbishop of Dublin," having all the while the Archbishop of his own faith in view; and if the law were left in the state in which it would be left by merely repealing the two Acts that bear upon this question, what would become of that bequest?

We have been in Ireland in this state of things now for a very long time, and under very disadvantageous penal laws, and yet I do not think any cases have ever come before the courts where the identity has been disputed. I think I have read of only one such case; but I suppose the court of equity would at once seek who the testator was, and what were the different charities he had assisted in life, and what was his particular form of belief, and that they would then administer accordingly. The difficulty was much greater in the year 1829 than it became afterwards in the year 1832; and this through the Church Temporalities Act reducing the number of Protestant prelates; but still I do not think that the difficulty ever did arise in practice. I think I have read of one case, and that is all.

448. Lord

448. Lord *Somerhill.*] Was that a case of identity of a Bishop, or of any of the inferior clergy?

I think it was the Bishop. It is some time ago since I read it, and I do not remember it ever arising in ordinary practice.

449. Has any case occurred to your knowledge, either in your own diocese or in others, where there has been a doubt about the person entitled to the designation of parish priest, which, naturally, the Bishop of the diocese would be probably called upon to decide?

In England we have no parishes; it is always a state of mission, as we call it; so that the case has never arisen. The difficulty might be more likely to arise in this way; that supposing a priest was in possession, and wanted to retain possession against the trustees, then it might be necessary to go to the Bishop of the diocese to say whether that priest was canonically the person who ought to be in that particular place. Supposing I intimated to any priest that he was no longer qualified, and that he ought to leave a certain mission, and he chose to stand on his strict civil rights and defy the trustees, the trustees would of course have to come to me for a certificate if he was the proper person. There was a form adopted by the Colonial Office some years ago as to Bishoprics in the Colonies, as it was necessary to have some one in London who could certify that *A. B.* was the proper person to receive certain payments, and then the payments were made to him, and such certificate was taken as being sufficient.

450. If such a case arose in England (as it might in your own or any other diocese) the Bishop deciding that would have probably to be recognised by the courts of law in this country as the best authority, would he not?

Yes, it should be so, but the difficulty would be this: that he would destroy his existence the moment he pleaded it; because, the moment I say to the court "I am the Bishop of this diocese," they say, "We cannot recognise you." It happened that, some years ago, in a civil case, I was a witness before the late Lord Campbell, and the examining counsel said to me, "You are a Catholic Bishop," and I said, "Yes." Lord Campbell said, "I will not trouble you to mention the see." He purposely avoided it, and the Attorney General said, "Yes, I am here; I am on the look-out."

451. It would be more difficult to avoid mentioning it in such a case as you have described, would it not, because it would be according to your authority in that diocese that you would have to certify or produce the certificate?

It would be so. I should have to plead the quality in order to make my evidence worth anything in the way of assisting the deliberation of the court.

452. I hope the case has not arisen in England, but you may have heard that there have been in Ireland occasionally refractory priests, who, under suspension, have contested the authority of a Bishop?

Yes; and if they refuse to go away the Bishop would have to plead his ecclesiastical quality.

453. In that case the Bishop would have to enforce the rights of the parishioners to their chapel, and to the ministrations of a more suitable clergyman, by exercising his authority as Bishop of a particular diocese, would he not?

Yes; that would be the only quality in which his evidence would be of value to the court.

454. If he could not do so, the other priest, if he had sufficient physical force to assist him, could retain possession of the chapel, I apprehend?

Yes.

455. Practically, it may be within your general knowledge that some such cases have arisen, although not very lately, I believe, in Ireland?

I know there have been several cases of that kind.

456. *Chairman.*] Perhaps you will have the kindness to explain how it is that the system of parishes is not applied in England, since, as we understand, territorial jurisdiction is ascribed to each prelate, which one would have thought would have extended over a certain number of parochial limits?

It is more an ecclesiastical than a legal difference; that is to say, every priest has

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has a certain district assigned to him, in order that he may be responsible for the sick and the poor within that district, and the only difference is that we have never yet been able to give them the name of parish priest. The same state of things exists in the United States, where also there are no parish priests.

457. *Lord Archbishop of York.*] That is to say, the territorial divisions have not been completely carried out?

The territorial division is there, but there is not the fixity of tenure in the incumbent.

458. If I am not mistaken, priests in this country are divided into two classes; there are certain "missionary rectors," are there not?

Yes.

459. Those have a more fixed tenure, have they not?

They cannot be removed without a proper trial; it is not a regular trial, such as the English law prohibits, but there must be a distinct fault proved against them; but with regard to the others, if the Bishop thinks that *A.* would be more useful at Margate than at Ramsgate, he says, "Go to Margate," and then the priest goes there.

460. You stated that there might be a confusion if Parliament sought out one title for prelates in communion with the See of Rome, inasmuch as testators might not know what the exact title was, and might use a wrong one; but does not the difficulty stand here; a person is called Bishop of Newport; if I understand it rightly, that means, according to the sense put upon it by more than one witness, the only Bishop having the right of jurisdiction over all souls within a given district?

This is the way in which it strikes me; that if Parliament says, "We will not interfere; we will not ask you to define yourselves in any way whatever," then, of course, each testator will choose a designation that he thinks will fit its object. But supposing that Parliament were to define a special title, and say that those who are in communion with the See of Rome must always use that title, then I say that it would not simply define the person, but it might possibly, by a construction of law, compel the use of that word and no other; so that if you did not use that word the person would not be designated at all.

461. Supposing, however, for the sake of argument, that under the title of "Bishop of Newport" a claim is implied to the sole episcopal jurisdiction over all the souls within a given district, and, supposing that the Legislature did not desire to concede so much, might it not be desirable, in allowing the title of "Bishop of Newport" to be used, to have, in an Act of Parliament, a definition of it which should stop short of that full theoretical definition?

I may mention, in illustration of what I was saying before, that the question of title is one which affects each one of the peers. The only designation that the law will admit for a peer is his right one; and not only would it be of course disrespectful to give him any other title, but he would not be considered as properly designated if he were addressed by any other title. If in a will any one of your lordships were called by his Christian name and his surname, then the law would say, "We do not know who that is." That would be the inconvenience of creating a definite title for us. But coming back to your Grace's question, if the law were to make that distinction, and to say, the Bishop of Newport shall be the Bishop of Newport with a qualification, then there would be this difficulty; that supposing for any good reason it were found convenient to increase the number of Bishops, we could not expect that the Legislature would come in again each time, and admit a new set of titles. Parliament would not like the trouble. Parliament would say, "It is entirely an internal thing amongst yourselves; it is a way of arranging your own internal affairs, and we do not touch it." But if Parliament once began to say, "We will legalise the titles of the 13 Bishops now in England," then it would be necessary to come back to Parliament to legalise every new set of titles.

462. That was not quite my meaning. Supposing that it were allowed to use any titles and any number of them, but that a clause were inserted in an Act showing what meaning was put by Parliament upon the use of such titles, how

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how they might be legally used and in what sense they might not be legally used, might not that be a solution of the difficulty?

Parliament is supreme, and we should not like to lay down any rule for it; but the objection is, that as whatever Parliament now does would be an act of grace and an act of consideration to the feelings, especially of those who are in Ireland, who have worked so hard for the public interest, it would be simply keeping up an idea of a difference and of a qualification which would destroy the graciousness of it. I do not think it would be necessary, because, of course, everyone understands that Parliament, in tolerating us, would not in any way alter or interfere with the distinction of its own Bishops. I think if such a qualification were put in, it would only spoil the Act without improving the position of things; it strikes me that there would be that objection.

463. Are you acquainted with the case of Corfu, and do you remember what occurred in Corfu after the passing of the Ecclesiastical Titles Act?

I do not remember that.

464. I have heard that a Bishop was appointed there with the same Commission as those appointed in Ireland and in England; that there was a difficulty about his being allowed to exercise his functions under those terms, and that after some little delay he was sent with a different commission and made Bishop of the persons in communion with the Latin Church; have you any recollection of that?

I do not recollect that; but wherever the Oriental rites prevail that would naturally happen. In Constantinople there is a Bishop for every Oriental rite; and so, naturally, in Corfu, where the Greek rite prevails, it would be almost necessary to use the words "Bishop of the Latin rite;" not to avoid the English difficulty, but to avoid the difficulty which occurs all over the East, at Jerusalem, Antioch, and everywhere, each rite having its own Bishops.

465. Earl of *Harrowby*.] But why should not that same form be employed in England and Ireland?

It would be difficult to call us Bishops of the Latin rite, for example.

466. But, speaking simply in connection with the See of Rome, for instance, the principle seems to be recognised of admitting the title of Bishop, with a qualification as to the parties who are subject to it?

I do not recollect reading that they did do that in the case of Corfu, but all over the East each rite calls itself by its own name; it is "the Bishop of Jerusalem of the Armenian rite," for instance. The very same difficulty would arise which arises here, that if you want an English name for a Bishop you may add in an Act of Parliament the qualification; but in every-day life nobody would think of adding it, because it would be inconvenient.

467. *Lord Archbishop of York*.] It might be inconvenient in every-day life; but supposing it were a solution and a means of reconcilement, that those short titles should be freely used, provided it were understood that they only meant Bishops over the souls in communion with the See of Rome, might not that be a way out of the difficulty?

It seems to me that it would have so many consequences in the way of keeping up all the notions of estrangement, and difficulty, which have given much trouble in Ireland, I should be afraid to say yes. Whatever Parliament chooses to do we are unable to prevent; but I should not like to say that it would be the safest way out of the difficulty under the present circumstances.

468. Do you see any principle of your law, or belief, which would be infringed by it?

I think it would involve difficulties, but I do not like to go into them because I think they bring in those controversial questions, which I suppose your Lordships want me to avoid. All we say is, that the present difficulties did not exist before 1829; and what harm can there be in saying, Let us put things back into that state, because we are making no new demands upon the Legislature; we are not asking Parliament for any new recognition; we are not asking them to give any valid existence to the titles; we only say, "Do not touch them."

469. *Lord Bishop of Oxford*.] Why does it more introduce a controversial question in Ireland than in the East?

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In the East there is this difference, that all of them are in communion with the See of Rome. Though a difference is made by saying, "Such an one is of the Greek rite, and such an one is of the Coptic rite;" they are all Catholics together; and therefore the same conflict, which I say would be a controversial one here, does not arise there, because they are not in opposition to one another. It is only a distinction which does not produce opposition.

470. *Lord Archbishop of York.*] Is there any discontent with the existing state of things in Canada?

In Canada the Catholic Bishops were the first; they were in possession from the time of the Act of Cession.

471. But the Archbishop and his successors are called by an Act, "Archbishops of Quebec aforesaid in communion with the Church of Rome"; and then the Archbishops and others are created a corporation by the name of "The Roman Catholic Archiepiscopal Corporation of Quebec"?

But that was done, I think, simply for the purpose of the transmission of property by creating a corporation, and saying, "Whenever, in deeds, you want to appear in a corporate quality, and therefore with a power of transmitting to your successors, use this form." I do not think that it touched the question of the title in common parlance.

472. But have you heard of any difficulty arising from the existence of that Act?

I have not, because it is purely an administrative Act; an Act as to property and not an Act as to ordinary life, so to speak.

473. But still it might have other effects also, might it not?

I did not see the Act before this morning; I was trying to study it, and it struck me that that was really the whole purpose of it; that it was to do what exists in every parish church in the Established Church in England, where the clergyman is a corporation sole for all purposes affecting the property of his church; and I think it was intended simply to obviate that difficulty.

474. But the point I wished to ascertain was, whether such an Act as that in which the qualification has been used was passed with the consent of your communion?

I do not know; I only heard of it yesterday, and I could not find out any proof of whether they had in any way asked for that qualification or not.

475. This Act is passed in consequence of the petition of Archbishop Signay, of Quebec; and, so far as appears, it was passed to the full content of the Roman Catholic body?

Your Grace is in the habit of voting upon Bills in Parliament, and you can put a better construction upon them than I can; but I think one is obliged to regard the purpose for which it was passed, and that any accidental language used in the course of the Act would not denote the principal purpose of it; and we do not know that the attention of the Legislature was ever called to it. Supposing that your Lordships wished to pass an Act now relieving us from the Acts of 1829 and 1851, you might in the preamble use a great many names affecting any of us, but the essential thing would be when you came to the enacting part, and described us there: and I think the only enacting part is the part which describes each one as a corporation sole, and it would not be held that the Parliament of Canada intended to use the other title more than, as it were, accidentally. I think that it is all the difference whether you are to enact a title, or whether you are to say that that Act of Parliament was intended to do more than provide for the transmission of property, and I think that the latter was its object.

476. Then your counsel would be to leave the whole matter open, and without legislation?

Certainly.

477. But would not that put the prelates of your communion on a different footing in England and Ireland from that in which they are in all other European countries?

In

In European countries, or at least in most of them, the State provides for them all, and the Sovereign has a right of nomination in most of them.

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478. Or a veto?
Yes, or a veto; in Prussia, for example.

479. You mention Prussia; I think the Rhine Provinces are different from the rest of Prussia as regards ecclesiastical matters, are they not?
Yes; it was arranged in the year 1821 that the chapters were to make out a list of what are called "persons grateful," *personæ gratæ*, and then the Government has the right of striking out any of those. Then the election of the chapter takes place upon the remaining names.

480. Earl of *Harrowby*.] It is a *congé d'élire*, is it not?
The chapter originates the names; it is not the same as the Sovereign saying "Choose," but the chapter sends a list of names, and then the Government strikes out anybody who is not agreeable to it.

481. Is there not something like a document in this form: "Your election will be more grateful to us if you choose so and so," the individual being rather pointed out as the one agreeable to the Sovereign?
I do not recollect that; I always thought it was in the other form, that they always struck out the disagreeable ones first, and then left the chapter to choose. Your Lordship may possibly be thinking of the form in the oath that we take; namely, we say: "And I all the more willingly promise ecclesiastical obedience," and all those other things, "because I am sure that there is nothing in the consecration oath which conflicts with the allegiance which I owe to Queen Victoria."

482. *Lord Archbishop of York*.] In the rest of Prussia, it amounts to a veto, I think, upon the appointments, not only of the Bishops, but also of the priests; is that so?
I do not remember just now, but I do not think so.

483. But the mere fact of payment from the State is not the foundation of the *exequatur* and the *placet* in other countries; the foundation of those rights is the right of the Sovereign to protect his sovereign power, is it not?
The form arose during what is known as the Great Schism, and the then King of England, for example, recognized *A.*, and the King of France recognised *B.*; and then the anti-popes were anxious to have their documents alone current, and admitted into each kingdom, and the *exequatur* was introduced to enable the subjects to know which were the documents coming from the Pope whom their King recognised. There is a short tract by Dr. Lingard explaining it.

484. The following passage from Giannone's History of Naples is quoted in Dr. Twiss's book on the Letters Apostolic. "It has always been lawful for princes, and commendable in them, that whenever foreign writs came within their dominions, whereby it was pretended to exercise jurisdiction, either spiritual or temporal, in them, to examine such writs before they were put in execution; so much the rather, that the Court of Rome, for a very long time, had assumed an authority far exceeding the bounds of a spiritual power, and often took upon them to decide points belonging to the temporal power of princes, and not within their province." As a mere matter of history, is that your impression?
I do not think that was the way; it arose entirely to distinguish the letters and provisions of the Popes from those of the anti-popes; but later it was found likely to answer two other purposes; first of all, that where there was a *ministre des cultes*, it enabled him to exercise a greater amount of supervision over nominations, and then it was also in some places a source of revenue through the fees upon the introduction of all those documents; but it has always been considered that, since the necessity ceased after the schism, the requiring of the *placet* or of the *exequatur* was everywhere an act which the Catholic Church disliked. In Italy they formerly used it, and then they dropped it, and I think they have begun it again now; but for a time they renounced it altogether, and said, "We will not press for it any longer." In many States, and especially in France, they have kept it up

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very strictly in what may be called public documents, but they have not followed it out in other cases; for example, in Naples they would carry it to all minuteness into what might be called even parish nominations, but in France they have only kept it to bulls which might affect the Bishops and people receiving income from the State, or bulls which were supposed to provide in any way for new bishoprics and matters of consequence.

485. But supposing that, by legislation, Ireland were put in the condition that any bull or edict of the Pope could be published in Ireland, and that any prelate might be appointed by him, Ireland would be in a different position from any other country, would it not?

It would be only as it is now, because I do not think that, for instance, in Prussia, it is necessary to have the *exequatur*. The *exequatur* is not universal.

486. Then, as to the *exequatur*, supposing Prussia to be an exception as to the veto, Ireland would be in a different position from Prussia, would it not?

It would be different in that respect; that the chapters, or whoever proposed the names now, would still go on proposing them, and the Government would not object to any of the names.

487. The Government would have no cognizance of it in Ireland?

No.

488. The names never would be submitted to the Government?

No, just as at present; the Government professes to know nothing about it; it leaves it there. Lately there has been published rather a curious letter from Mr. Canning, saying, "At the risk of being accused of high treason, I want to obtain the help of your Eminence" (Cardinal Consalvi) "to have Dr. N. N. appointed Archbishop in Ireland." He says that he knows that it is high treason to interfere. The Government now finds it more convenient to take no notice.

489. Then may we take it as admitted that as to those two points, or as to one or other of them, no country in Europe would be in the same position as Ireland and England would be in, if these restrictions were taken off?

Not precisely. In Italy at the present moment, though there is an understanding that persons to whom the Government object will not be named, the Government has left the whole nomination. In the late arrangement it was always said, "We will try to find out who the persons are that are disagreeable on each side, and then we leave the Pope to choose;" in Belgium, as it Ireland, the appointment rests with the Pope.

490. But the Government has not in Italy renounced its right to interfere, by veto, or otherwise, with the persons nominated to bishoprics, has it?

I believe that the real truth is that the question has been avoided, so to speak; but before that time it was as it is in France, namely, that the sovereign originated the appointment, and the Pope objected if the person did not suit him.

491. Earl *Granville*.] Is it not rather difficult to institute a comparison where all the other conditions are quite different?

Yes, that is the case. In France, and those other places, the State provides everything, but here we exist without the assistance of the State in any way whatever; and we say, "Leave us as we are, because the State is doing nothing for us, and therefore let it do nothing against us."

492. *Chairman*.] May it not be reasonable to assume that where the State requires an *exequatur*, it is in cases where the State is desirous of providing assistance; and that where such assistance is not given the claim to the *exequatur* is not made?

It is true in most cases now; but they insisted on the *exequatur* in France before the Revolution had taken away the property, and when the property was administered by the Church altogether.

493. *Lord Bishop of Oxford*.] Do I rightly understand that you consider that any mark of difference attached to the title of Archbishop, or Bishop, which designated

designated them as held by an Archbishop, or Bishop, of the Latin obedience, would cause dissatisfaction?

I think it would, because it is perpetuating a distinction. We say, "Why was anything penal ever introduced on the subject? There was nothing done to bring it about." In 1829 the Catholic Bishops had not in any way stirred up the population, or done anything that made it necessary to interfere; and I think if we were put back to where we were in 1829, everyone would say that the penal law had been removed; but if a distinction is put into an Act of Parment it is keeping up the penal enactments, and I think it would have an annoying effect in that sense.

494. Why should there be anything penal in there being two Bishops, with two different obediences; it being understood that that should be indicated in their official designation?

I have already mentioned that the difficulty would be this: that if it is said that a particular name must be used and no other, I do not know how far it might have mischievous legal consequences, and I think there would be this evil about it: that through all the times of persecution it was never considered necessary to forbid the use of those titles, nor was it found that there was any difficulty; and if now, in dropping the penal part of the law, a distinction is for the first time invented, it would seem to have the effect of keeping up a painful state of recollection.

495. So far as England is concerned there was no such case, because there were vicars apostolic?

No; and in England the difficulty would never arise also, because the titles never come together.

496. But they might come together, might they not?

Of course they might come together, but I do not think it is very likely that they would; because naturally it would depend much more upon whether there were numerous Catholics to provide for, than upon anything else. Liverpool and Birmingham happened not to be Anglican sees, and they happened to be places with a great many Catholics. The difficulty might arise, as your Lordship says, but I do not know that it would arise.

497. Earl of *Harrowby.*] Has there not been a suggestion of the creation of a Bishop of Liverpool in the English church, and would not the difficulty immediately arise there?

Then I suppose we should be only just where we are in Ireland, or in Canada, or in Australia, where, after the Catholic or Protestant Bishop was appointed, whichever happened to be the first, the other came in afterwards; but no one has ever found any inconvenience from the two being together.

498. But are they not in Canada distinguishable in any way?

I think not; I think they are simply called by their every-day titles.

499. *Lord Bishop of Oxford.*] Are you speaking of legal documents, or of conversation?

I do not know how it is in legal documents; but in common life I think that is the case.

500. Then, as to legal documents, you would perhaps not see a difficulty in attaching a mark to distinguish to which obedience the alleged Bishop belonged?

I think that as regards the strictly legal designation, it would be dangerous to insist upon one designation, and no other, always being used, because we cannot calculate what the consequences of that would be in the construction that lawyers would put upon such a title. That is where I should be afraid of it; because, not being lawyer enough to know what the consequences would be, I should not like to pronounce upon it.

501. Earl of *Harrowby.*] Is not the penalty now upon the assumption of the title being used by others?

Yes, but the difficulty is this: that, supposing a testator used the title, I cannot get possession of the money left to me.

502. It is very often the case in regard to wills, is it not, that the court overlooks all difficulties as to proper or improper designation, and only engages itself

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in identifying the person intended; could not some provision be made by which any doubt arising simply from a misnomer or a misapplication of the title on the part of a testator might be avoided?

I think, after all, the courts of equity would have to put a construction according to their own rules. For example, take the case of Lord Henry Seymour's will. He says, "I leave so much money to the Hospices of London." The courts had first to determine what is a hospice, and next, what constitutes London.

503. But might it not be arranged that the Bishop might assume the title in his own documents, and that its being attributed to him by a testator should not vitiate the act.

But then the law would provide for his signing at one time under a title which at every other time it took from him.

504. *Lord Bishop of Oxford.*] Do I understand you that your only objection to that is the fear of legal ambiguity, and that there is no other objection?

No; I said that I thought it would bring in controversial discussion, which I thought your Lordships would desire to avoid. It strikes me that your Lordships are anxious to provide for the removal of what is now irritating; and I say that I think that by removing this penal legislation you do not touch any claims that the Anglican communion may make upon people in England. You leave all that on its own merits, and I think that the more you avoid defining our existence the more you leave everything of that sort to its natural stand and place in the constitution.

505. Then, putting controversial questions aside, do I understand that no designation, except one, which apparently recognised exclusive possession, could give satisfaction?

I was purposely avoiding that. I think that if you simply drop the penal legislation you do not touch the question at all, and you do not compel us to make any claim, or to abandon any claim; you simply say that the constitution recognises a certain number of people existing in England, and allows their different forms of religion and religious government to exist. We do not ask Parliament to say, "We are going to recognise you as the exclusive Bishops of those places;" we only ask you to drop the recent exceptional legislation, and let the matter stand in its natural place in the constitution, as it was before the year 1829. I do not want either to make a claim or to abandon a claim.

506. Lord *Redesdale.*] Are you aware that there are other statutes, besides the Ecclesiastical Titles Act, which would bar the appointment of Bishops under the See of Rome being recognised?

I have asked Mr. Anstey, who has written fully on this special subject, and he says that before the year 1829 there was no legislation to prevent it, and that it was no offence in law; but I suppose your Lordship means it would come constructively under the question whether any of the Statutes of Præmunire are still in existence. The late Lord Lyndhurst had many of them repealed, but I do not know whether all of them were repealed.

507. Are you aware that there are Acts of Parliament which would prevent the introduction of any bull or rescript of the Pope?

I doubt whether they are in existence still. Lord Lyndhurst had removed very many of them, and I did not know how many of them had remained. Indeed, the Act of 1851 would have been unnecessary if earlier Acts forbidding titles were still in force.

508. Before the year 1851 the Roman Catholic Bishops in England did not bear designations from English sees, did they?

No.

509. What was the reason for making the change?

The petitions upon which the change was asked for stated distinctly that the object of it was to provide a better and a more uniform system of ecclesiastical management amongst ourselves. As your Lordship is aware, when you bring in Bishops in ordinary, the Canon law applies naturally to them, and all its provisions have to be carried out in that way in which they can be carried out in a communion that has no external existence at all before the State. It was found in England, from having no settled form of procedure and no code

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to appeal to, things were in very great confusion, and at last we said to the Holy See, or at least those who made the petitions said: "Give us a code applicable to the circumstances of England." That was attempted, but after it had been drawn out, it never was enacted, so to speak. Then they said: "The only plan to avoid the constant difficulties that you have in your own internal management, would be to give you the ordinary Canon law, and in order to give you the ordinary Canon law, you must have sees with a local jurisdiction."

510. But what difficulties did arise?

At that time there was no regular code to appeal to, and there were constantly questions coming to Rome upon whether a priest was rightfully dismissed or not, or whether it was lawful to insist upon building another church in a particular locality, and so on, and then they said: "You will always have those questions so long as there is no definite principle of law to appeal to. Take the ordinary law of the church, and then you know what you are talking about"; and appeals of that kind have hardly ever been sent since 1851.

511. But could not each of the Bishops have a district assigned to him under whatever title he was known?

That is the whole theory of jurisdiction; it is, that you must define the subjects over whom anyone, either a judge, or a magistrate, or a Bishop, must exercise his authority.

512. Could not dioceses or districts, whichever you call them, be defined and committed to a Bishop who did not bear the title of that diocese?

Yes, he need not have the title of the diocese, but he must have some designation which must mark the circumference of it.

513. The circumference of the diocese might be marked without the person who held jurisdiction in that diocese bearing the title of it, might it not?

Yes, that is the case of Vicars Apostolic. In the case of Vicars Apostolic, there were so many counties constituting the central district, for instance, and then they had a Vicar Apostolic to manage them.

514. Where was the difficulty of continuing under that arrangement?

Because the Vicar Apostolic was a special officer created each time for the purpose and not a Bishop in ordinary, and therefore the Canon law did not define all the different duties that were annexed to his office; nor would his people know where to look in case they wanted to know what was the law of the Church by which they were directed and bound.

515. Could not the Pope have declared that he was to exercise such and such jurisdiction within such and such a district?

That had been done before, but that was not found sufficient. That was the state of things from the year 1686 to the year 1850; but it was found that it did not prevent difficulties constantly arising, and then it was said, "You had better take the normal state of the Church, which everybody understands, the state as it is in the Colonies, and as it is in Ireland, and then you will have definite principles and a law to guide you."

516. Duke of *Somerset.*] I understand you to say that you wished to leave things as they were before the year 1829?

Yes.

517. But the position of things as they were then was entirely altered by the Popes's brief of 1850, was it not?

I ought to have said that, as regards our laws, I should wish the condition of things to be in England and Ireland as it was in Ireland before 1829.

518. But you are aware that we have to deal also with the position of England as well as of Ireland?

Yes.

519. And therefore it is not merely a question of the feeling of the Irish people, but we have to consider the feeling of the English people; is not that so?

Yes.

520. Then the Pope's brief in the year 1850 created a very different state of affairs in England from that which existed before that brief was issued, did it not?

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It only affected us in our own internal relations, it did not touch our civil state at all; and therefore I say, leave us in our civil state as Ireland was in 1829, and have no legislation upon the subject.

521. You say that your titles are for your own convenience?
Yes.

522. But at the same time we have evidence that the Roman Catholic Bishops decline to come to charitable meetings and other boards where their titles are not recognised?
I happen to belong to one of the London hospitals, and I have constantly gone there, and have not asked for any place, but I have taken my place wherever I happened to find a vacancy. I do not make any claim of any kind, and I have never known any Bishop stop away; I never knew that to occur.

523. If that is not the case in England, do you think it does not occur in Ireland; that in any cases the prelates have declined to attend boards and other meetings, because there is a difficulty in recognising their titles?
I never heard that that was the difficulty. What I heard was that there was a general estrangement since the year 1851, which made it difficult for them to attend; but I never heard that they stayed away because their titles were not recognised.

524. It being very desirable, on the one hand, to do away with that estrangement, and it being, on the other hand, desirable not to offend the Protestant feelings of this country, have you any suggestion which you could make which would meet the two difficulties?
It seems to me that as the nation has made its protest by those two Acts of Parliament, and has not since required them to be put in force, it could now remove the Acts and say, "We do not intend to recognise you in any way; we do not intend to impose penalties, but we will leave you."

525. The first part of the Act of 1851 was merely declaratory, was it not?
Partly declaratory, partly enacting.

526. Therefore it was declaratory of the existing law; are you aware of that?
It said that there was a doubt on the existing law.

527. And therefore that Act was declaratory of what we are told by legal authorities was the law before it was passed?
I thought it was that the Act added new penalties.

528. But the first clause of the Act was only declaratory, and that is declaring what the law was before?
The words are, "Are and shall be deemed unlawful and void." My Lord Redesdale was saying that it would be so by earlier Acts of Parliament. I am not aware how far these Acts have been repealed, but as his Lordship is, of course, a greater authority than I am upon the point, and as he knows exactly how it is, he would agree with your Grace's view, namely, that this first clause was partly enacting and partly declaratory.

529. Lord *Redesdale.*] It is entirely declaratory; it declares and enacts?
I thought it did both things.

530. Duke of *Somerset.*] The difficulty arises in this way: for instance, we have the evidence of an eminent Catholic solicitor, who stated in evidence, "We take it there can be but one set of Bishops, and that in England, out of the Roman Catholic Church, there are no Bishops at all." That is the view which he, as a Roman Catholic, takes of the position of the Bishops; is that the view that you take of it?
I hope your Lordships will excuse me, because I did not want to say anything at all upon what I have called the controversial part of this subject. But as you wish me to speak, we hold that the proposition of Mr. Hope Scott is true in the sense in which it stands, of their being no other Bishops save those in communion with the Pope to whom obedience is due. If, as a matter of fact, any others possessed valid ordination, they would be ordained Bishops, yet if out of communion with the Pope, they would possess no valid authority or jurisdiction in spiritual matters.

531. You

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531. You have stated that in the East two sets of Bishops are allowed? Yes, each governing the faithful of his own rite?

532. But you see a difficulty in adopting such a course as that in England? Yes; but in the East they are all of one Communion; they are all Catholics, each Bishop attending to the people of his own rite.

533. Do you mean that the Greek Church are Catholics?
No, I do not mean that. I was speaking, when the question was first put, with reference to the state of things in Constantinople, where the chiefs of most of the different rites are in Communion with Rome.

534. Earl of *Harrowby*.] You mean the Greek Catholics?
Yes.

535. *Lord Bishop of London*.] But how is it arranged as to the Greek Bishops; where you have a Bishop, do you claim the see?
Yes; for example, at Constantinople we should go on using the title, though there was a Greek Bishop using it also; but I cannot recollect at this moment any particular city where the two things come together.

536. For example, is there not a Latin Bishop of Jerusalem?
Yes, a Patriarch of Jerusalem.

537. Duke of *Somerset*.] Would it not be desirable, if possible, to agree upon some designation by which the Roman Catholic Bishops could be acknowledged.
I am standing alone, and I avoid undertaking to define a question which has a great many legal as well as social consequences. Even your Lordships, if you were all of one opinion, could not impose your opinion upon Parliament, though you might fetter yourselves; so that I say I do not know how it could be done, and I think, therefore, it would be better to leave it without any affirmative legislation.

538. Then you would leave it in the confusion in which it may be, as you yourself said; for instance, if there is a Catholic Archbishop of Dublin and a Protestant Archbishop of Dublin.
Yes; because I do not think practically any difficulty arises or is attached to it.

539. You think, in fact, that there is no practical inconvenience?
I think not.

540. *Lord Bishop of London*.] A question was raised about Switzerland at a former meeting of the Committee; what is the arrangement there; does the Federal or the Local Government recognise the Roman Catholic Bishops?
I think that practice differs according to the Cantons; that in some of them the nomination is made direct from Rome, and in others probably there is an understanding before the person is chosen.

541. Are there territorial Bishops in Switzerland.
There are.

542. Is that the case throughout the whole of Switzerland, or only in the Roman Catholic Cantons?
There is, for instance, a Bishop at Lausanne, which is a Protestant Canton.

543. *Lord Colchester*.] Do the Roman Catholic Cantons make any claim to a veto on the appointment of a Bishop, as some European Sovereigns have?
I think not.

544. And there is no agreement with the Government of the Protestant Cantons?
I do not think that there is. I do not recollect reading of any concordat on the subject.

545. *Lord Bishop of London*.] What is the case as to Sweden?
In Sweden the Catholics have only a Vicar Apostolic, and he is for the whole of Sweden, except for the most northern part, and that is taken with what is called the Vicariate of the North of Europe.

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546. There are very few Roman Catholics in Sweden, comparatively, are there not?
I do not think that there are many. It was necessary to have a Bishop there, because at that time I think there were two or three successive Queens who were Catholics.

547. In Scotland they are entirely under Vicars Apostolic, are they not?
They are.

548. Does any inconvenience arise there?
I suppose that they must have the same difficulty that we had here before the year 1850; that is to say, that the legislation, so to speak, is personal and not defined, and of course when it is in that way many changes arise. A man is more apt for business at one part of his life than he is at another, and there is not the same security, as it were, for the people whom he is governing in the absence of known and acceptable laws, interpreted by text writers and the practice of other places.

The Witness is directed to withdraw.

Sir COLMAN O'LOGHLEN, Bart., a Member of the House of Commons, is called in; and Examined, as follows

Sir *C. O'Loghlen*, Bart., M.P.

549. *Chairman.*] You are, I believe, Member for the county of Clare.
Yes.

550. How long have you been so?
Since the year 1863.

551. You are in the legal profession, are you not?
Yes; I am at present Second Queen's Serjeant in Ireland.

552. And you hold the Roman Catholic faith?
I am a Roman Catholic.

553. In what position were you at the time of the passing of the Ecclesiastical Titles Act?
I was practising at the Bar in Ireland at the time.

554. What was the feeling which the proposal of that Bill produced in Dublin?
There was very great annoyance indeed, and very great dissatisfaction, and as far as the Bar was concerned there was a protest against the Bill, signed by every Roman Catholic Queen's Counsel, and by every Roman Catholic practising barrister, with the exception of three, I think. At the time this protest was got up, I acted as secretary to the Committee that had charge of it.

555. Was it on general grounds, or did you specify any particular objections?
I think it was on general grounds; I forgot whether or not we specified in the protest any particular objections.

556. Having taken that part against the passing of the Bill, you have no doubt been attentive to its operation?
Certainly.

557. May I ask what effect it appears to you to have produced on the feelings of Roman Catholics in Ireland?
A most injurious effect, as far as the Roman Catholic Hierarchy is concerned. It severed them altogether from all communication with the Government. Before that period several of the Bishops of the Roman Catholic Church used to attend the Lord Lieutenant's levees in Dublin, and they used also to attend the Court there on other occasions; but since that time I believe no Roman Catholic Bishop has attended a levee; and I believe that no Roman Catholic Bishop, except the present Roman Catholic Archbishop of Dublin, Cardinal Cullen, has attended the Court, and he has only attended it since he has been appointed Cardinal; he has not attended any levee.

558. Lord *Somerhill.*]

558. Lord *Somerhill.*] Do you think that this Act has had any bad effects upon the political relations between the Government and the Roman Catholic Hierarchy in Ireland?

It has had most injurious effects.

559. *Chairman.*] I wish to call your attention, in reference to your last answer, to the following question and answer addressed, before the Committee of the House of Commons which sat last year, to Bishop Moriarty. He was asked, "Is it the fact that the withdrawal of the Roman Catholics from the National Board of Education was caused by the Ecclesiastical Titles Act?" and the answer is: "I consider that their withdrawal from the National Board was caused by that complete separation which exists between them and the Government of the country." Is it your opinion that this alienation, resulting from the Ecclesiastical Titles Act, was the cause why the Roman Catholic Bishops withdrew from the National Board of Education?

I would not go so far as that; perhaps Bishop Moriarty had reasons for giving that opinion, but I would not go so far as to say that they withdrew from the National Board for that reason. They certainly withdrew from all communication with the Government for that reason, but there may have been other reasons influencing their withdrawal from the National Board.

560. Duke of *Somerset.*] But I find it also stated that "The withdrawal of the Roman Catholic prelates from the Board was caused by their dissatisfaction with the system of education pursued, and with the rules of the Board at that time"; do you think that was a correct statement?

I would rather agree with that opinion. I think their withdrawal was not caused by the Ecclesiastical Titles Act, but was caused by dissatisfaction with the rules of the Board of Education.

561. The Bishop is asked this question: "Then the Ecclesiastical Titles Act had nothing to do with the direct withdrawal of the Bishops?" and he answered, "No, I consider that it operated indirectly;" would you agree with that answer?

It may have operated indirectly, but I do not think that it had any direct influence.

562. But so far as your observation has extended, has it caused a great alienation of feeling?

Certainly, and I think it is most injurious to have any cause in existence calculated to create an alienation between the Roman Catholic Hierarchy and the Government of the country. Such an alienation in Ireland acts most injuriously, and the Ecclesiastical Titles Bill certainly causes such alienation of feeling.

563. Lord *Redesdale.*] In what manner did the Bill affect the Irish Roman Catholic Hierarchy?

They were received at Court before that time, and though their titles were perhaps not legal, they were given to them as a matter of courtesy. After the passing of the Act they ceased to attend at Court, because their status was not acknowledged in any way.

564. You have spoken of the Roman Catholic Bishops; what is the feeling among the Roman Catholic laity on this subject?

There is a very strong and universal feeling against the Act. So strong was the feeling on the subject at the time the Act was passed, that it materially affected subsequent elections. The present Member for Queen's county, Mr. Fitzpatrick, lost his seat for having voted for the Ecclesiastical Titles Bill; so did Mr. Bellew, the late Member for Louth; and Sir Thomas Redington, after he had been Under Secretary for Ireland, tried two or three places and was beaten, because he had remained in office at the time that this Bill was passed. The present Mr. Baron Hughes also failed in obtaining a seat for the same reason.

565. Lord *Lyveden.*] Mr. Fitzpatrick, having a large property in the county,

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and being a popular person, was excluded from Parliament merely for the reason, having given that vote?

Merely for that reason.

566. *Chairman.*] Then the feeling was by no means confined to the Bishops or priests, but it extended strongly among the Roman Catholic laity?

Certainly.

567. Has that feeling died away, or does it exist at the present time?

The feeling of exasperation has died away, and as an instance Mr. Fitzpatrick is Member for Queen's County at the present moment; but certainly there is but one feeling among all the Roman Catholics, that it would be most expedient to repeal the Act.

568. There is a feeling, if not of irritation, at least of injustice?

Certainly.

569. Lord *Redesdale.*] You are aware that the Bill is declaratory?

Yes.

570. And the law would remain the same if the Act was repealed, would it not?

Yes. The Ecclesiastical Titles Act did not substantially affect titles in Ireland, because the Roman Catholic Emancipation Act before had prohibited the taking of titles similar to the titles of the Bishops of the Established Church.

571. Then in what way did the Ecclesiastical Titles Act affect the Irish Hierarchy?

It affected them in this way, that that provision in the Emancipation Act was a complete dead letter.

572. Why should they not have supposed that the Ecclesiastical Titles Act also would remain a dead letter as regarded titles of courtesy?

Because there was a complete change in the communications between the Government and the Bishops from that time forward. That Act was considered to be a declaration by Parliament that those titles should not be given, and the consequence was that the titles were not given.

573. *Chairman.*] Whether reasonably or unreasonably, as a matter of fact, a feeling of irritation did arise?

Yes.

574. And that feeling, we will say, not of irritation but of injustice still sustained, continues to the present time?

Certainly.

575. Have you, as a lawyer, had occasion to observe any injurious effects arising from the passing of these Acts as regards, for instance, Roman Catholic bequests, or any other matters?

Not exactly from the passing of those Acts; but certainly very injurious effects have arisen from the status of the Roman Catholic Bishops not being recognised. When I say that their status has not been recognised, I mean that it has not been recognised as it is done in Canada at this moment. Your Lordships may perhaps have seen the Act, which is in the Appendix to the Report of the Committee of the House of Commons. There the Roman Catholic Bishop of Quebec and his successors are recognised by law. The fact of Catholic Bishops not being recognised by law in Ireland causes very great inconvenience in legal matters as regards property conveyed to them and as regards bequests made to them.

576. It has been suggested that if a person not versed in the law, and desiring to keep his bequest a secret until his death, were, in his will, to express himself unguardedly, and were to leave a legacy in trust, we will say, to the Archbishop of Dublin, there would be a legal controversy whether it meant the

Archbishop

Archbishop of Dublin of the Roman Catholic Church, supposing that the testator was a Roman Catholic, or whether it would mean the Archbishop of Dublin of the Established Church?

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I think if it were left merely to the Archbishop of Dublin it would be construed by every court as the Protestant Archbishop of Dublin, because he is by law Archbishop of Dublin.

577. But it has been suggested that, in a court of equity, the religious faith of the testator would be considered as an indication of his intention; would that be so?

I fear it would not.

578. Therefore in this matter practical injustice might arise?

So long ago as the year 1822 it was decided by Lord Manners, in Ireland, that a bequest to "*A.*, Roman Catholic Bishop of so-and-so, and his Successors," was void. It was not void for *A.*—and, of course, during his lifetime it was good—but it was void as to his successors.

579. *Lord Archbishop of York.*] Because there was no corporation?

Because there was no corporation.

580. *Chairman*] The bequest would be void if the Bishop in question were to die before the testator?

It would. I may mention that I brought in a Bill in the House of Commons, last year, to remedy that defect, and it was thrown out on the second reading.

581. Perhaps you will have the goodness to explain a little more in detail the nature of your Bill?

I have a copy of the Bill here; it was intituled, "The Roman Catholic Churches, Schools, and Glebes (Ireland) Bill, 1867," and it was "to amend the law as to the granting of sites for Roman Catholic churches and schools, and to facilitate the creation of glebes and the erection of residences thereon for Roman Catholic Clergymen in Ireland." It was for the purpose of enabling grants for sites for schools and churches to be made to Roman Catholic Bishops and their successors.

582. That would be a repeal, so far, of the Act of 1829, would it not?

So far, it would be a repeal of the principle of that Act. The effect of the Bill was that any owner of land in Ireland should have power to grant to the Roman Catholic Bishop for the time being of any Diocese in Ireland, and his Successors, land for a Roman Catholic church or chapel, or for Roman Catholic schools, not exceeding five acres, and land for a glebe for any parish, not exceeding 20 acres.

583. Had there been any practical cases of grievance to induce you to bring forward that measure?

The object of that measure was twofold; first of all, to remedy the defects in the present law with respect to the granting of sites for churches, and glebes, and schools, in Ireland; and the next object was to have the Roman Catholic Bishops and their Successors recognised by statute.

584. As I understand, your Bill was intended to apply to Ireland only and not to the United Kingdom?

Not to the United Kingdom; it was intended to apply to Ireland only.

585. Lord *Lyveden.*] Does it occur to you that any alteration of the Ecclesiastical Titles Act, without its total repeal, would mitigate the dissatisfaction which you say is felt among the Roman Catholics on this subject?

I do not quite understand the word "alteration."

586. For instance, if the penal clause was omitted, would that make any difference?

I do not think it would.

587. *Chairman.*] Has it ever occurred to you what would be the best form, supposing legislation to take place upon this subject, of defining a Roman Catholic prelate, as distinguished from a Protestant prelate when both held the same see; and whether it would be wiser to leave the question undefined, as it was before the passing of this Act; or whether it might not be advisable to take

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this opportunity of putting it on some legal footing which might be acceptable to all parties.

I am of opinion that it would be better to define it by some legal form, and the form I would adopt would be the form adopted in the Canada Act. That Act, which your Lordship will find in the Appendix to the House of Commons Report, was brought to my attention last year, and I gave it Mr. Justice O'Hagan, who handed it in as part of his evidence. There the form adopted is to call the prelate "*A. B.*, Archbishop of Quebec, in Communion with the Church of Rome." If I had been drawing the Act I would have put in "with the See of Rome;" but that is a mere technical alteration, and I do not think that anybody would object to it.

588. Would you give the territorial title at the same time; would you say, for instance, "Bishop Grant, of Southwark," or "Bishop Grant, in communion with the See of Rome"?

I would go exactly on the Canadian precedent. I would style a Bishop in this way, for instance: "The Right Reverend Dr. Moriarty, Bishop of Kerry, in Communion with the See of Rome." I may mention that, in Australia, where the Episcopalian Church is not the Established Church, in their Acts the the Protestant Bishops are defined as "Bishops of so-and-so, in Communion with the United Church of Great Britain and Ireland." The same form is adopted with respect to Protestant Bishops in Australia as I propose with respect to Roman Catholic Bishops in Ireland. There are three views in which you may consider a Bishop's title, religious, social, and legal; in all religious documents the Bishop would sign himself "Bishop of Kerry;" socially, too, he might be called "Bishop of Kerry;" but in all legal documents and Acts of Parliament I would call him "Bishop of Kerry in Communion with the See of Rome."

589. Lord *Redesdale.*] In what way do you propose that that should be effected without recognising the jurisdiction of a foreign potentate in this country?

In the same manner as it is effected in Canada; I cannot give a better answer than that.

590. Is the jurisdiction admitted in Canada?

The Act of Parliament in the Appendix, to which I have referred, seems to recognise the jurisdiction.

591. Were not the privileges of the Romish Church recognised in Canada at the time of the cession of Canada to England?

I am not aware of that.

592. Was not that one of the conditions of the Articles of Peace with France?

I cannot answer that question; but in the same way in which you can ascertain who is the Bishop in Communion with the See of Rome in Canada you can ascertain it in Ireland.

593. *Lord Archbishop of York.*] The objection felt by many to conceding the titles is no doubt the largeness of the claim which they appear to imply, viz., that the prelate, so styled, is the one and only Bishop having the right of jurisdiction over every soul within a given territory; you are aware of that, are you not?

That is the doctrine, I believe, of every Episcopalian Church, whether Catholic or Protestant; the Protestant Bishop claims, in theory, jurisdiction over every soul in his diocese, and the Catholic Bishop does the same; there is no difference in the churches in that respect.

594. But I think that you pointed out just now a mode in which that claim in the title might be explained, viz., that it practically gave spiritual jurisdiction over those who are in communion with the See of Rome?

Certainly.

595. Is it your impression that that way out of the difficulty would be acceptable?

It would be perfectly satisfactory, so far as I have been able to ascertain, both from communication with the laity and with the clergy. I think they would quite willingly

willingly accept any designation of the kind I have suggested, either in Acts of Parliament or in legal documents, and would be quite content that that should be their legal title. Of course with regard to their social title, no one addressing a letter would put, "In Communion with the See of Rome" outside the letter.

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596. *Chairman.*] Why would you prefer the expression "See of Rome" to "Church of Rome"?

Simply as a more precise description. In the case of the Protestant Bishop in Australia the designation is "in connection with the United Church of Great Britain and Ireland."

597. *Lord Archbishop of York.*] The highest appellate jurisdiction of the Church of Rome is in the See of Rome only, is it not?

It is in the See of Rome only. I may mention that at the time of the Union, when there was a proposition to endow the Roman Catholic Church by Mr. Pitt and Lord Castlereagh, there were inquiries made as to the position of the Bishops of the Roman Catholic Church in Ireland, and in Lord Castlereagh's Memoirs (volume 3, page 441), your Lordship will find a return to queries proposed by His Majesty's Ministers to the Roman Catholic Prelates of Ireland, relative to the then present state of their Church. It is dated 1800; and it states the number of the Bishoprics, and it gives an account of the whole status of the Roman Catholic Church in Ireland. It is signed by "J. T. Troy, R. C. Metropolitan of Dublin; Edward Dillon, R. C. Metropolitan of Tuam; Richard O'Reilly, R. C. Metropolitan of Armagh; Thomas Bray, R. C. Metropolitan of Cashel." That is an official document sent to the Ministry at the time of their inquiries, and it shows that then in 1800 the titles of the Roman Catholic Bishops were used by them on official occasions.

598. Was that the style used by themselves?

That was the style used by themselves, and sent by them to the Government. I may mention also that a Bill was prepared by Lord Castlereagh in the year 1816 for the endowment of the Catholic Church, which your Lordships will find in volume 4, page 425, and which Lord Castlereagh proposed as the best protection for the Established Church, and to place it on the most secure foundation. He appears to have thought that the Established Church in Ireland would not be on a secure foundation unless you were able to make a provision for the Catholic and for the Dissenting clergy at the same time, so as to put them all in the same position. He proposed this Bill, which is a very curious Bill, and he sent it to Dr. Everard, a Roman Catholic Bishop, for the purpose of being considered by him, and it was returned with his remarks. Lord Castlereagh, it appears, thought that the Catholic Bishops ought to have territorial titles; but he proposed that they should have different titles from what then existed. The schedule to the Act begins thus: "Titles of Roman Catholic prelates: the "Primate of Ireland, Metropolitan or Archbishop of Leinster and Bishop of "Dublin; Metropolitan or Archbishop of Munster; Metropolitan or Archbishop "of Connaught; Metropolitan or Archbishop of Ulster; Suffragan or Bishop of "Kerry; Suffragan or Bishop of Tipperary; Suffragan or Bishop of Mayo; "Suffragan or Bishop of Clare," and so forth. Lord Castlereagh proposed that the sum of 235,200*l.* a year should be applied for the payment of the Catholic clergy; and the principal mode in which that sum was to be raised was by Grand Jury Presentments in Ireland, and by the Roman Catholic Bishops meeting in Synod, and determining what fees should be paid for the different ministrations of religion, and those fees, when once established, to be regarded as legal fees and be recoverable by law.

599. Lord *Lyveden.*] Would the Bishops object to signing themselves Roman Catholic Bishops now?

They never do sign themselves so. In ecclesiastical documents they always sign themselves as Bishops of so and so.

600. *Chairman.*] As to Ecclesiastical signatures, there is one point which is not quite clear to me in the first extract which you read. I had understood that in the Roman Catholic Church, as in ours, the primacy of Armagh is recognised in Ireland; but I observe that the first prelate named in that schedule is the Archbishop of Leinster and Bishop of Dublin?

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We have two Primacies in Ireland. I believe there has been a dispute about it between Dublin and Armagh, and I think the Archbishops of each take the Primacy alternately. In reference to what I have referred your Lordships to, I may mention that it is also stated there that the Sacred College in Rome, and in fact the Pope at that time, had approved of the plan of endowing the Roman Catholic Church. I thought it right to refer to these passages in Lord Castlereagh's Memoirs, to show that at that time, in the year 1800, titles were used, and that in the year 1816 titles were introduced in the Bill proposed by Lord Castlereagh.

601. Earl of *Harrowby.*] That Bill was never introduced, was it?
It was never introduced.

602. *Chairman.*] You apprehend that the intention of Lord Castlereagh was similar to that of the Pope's brief of 1850; that there should be territorial titles, but that care should be taken to avoid the same titles as are borne by prelates of the Established Church?
Yes; and I may mention that in the third volume of Lord Castlereagh's Memoirs (p. 445), there is a "Summary of a Correspondence with the Right "Honourable Lord Hobart and Lord Viscount Castlereagh, on the subject of "the Roman Catholic Clergy, &c., relating principally to Ireland, in the years "1799 and in 1800," which is a very interesting memoir; and from that memoir it appears that at that time the Roman Catholics of England were anxious to get rid of Vicars Apostolic, and to have a Hierarchy established in England; and it gives the Pope's objection to it, because he considered that he had more power by having Vicars Apostolic than he would have by having Bishops. It is stated here that the Pope would not listen to the applications of the British Roman Catholics in favour of the change unless they were countenanced, at least indirectly, by his Majesty's Government. I only mention that to show that the notion of changing Vicars Apostolic into Bishops was not a new idea at the time of Cardinal Wiseman.

603. Duke of *Somerset.*] I think I understood you to say that, in your opinion, nothing but the repeal of the Act would be satisfactory to the Catholics of Ireland?
I certainly think so.

604. But I understood you also to say that you think that the repeal of that Act might be accompanied by some clause allowing of a designation for the Catholic prelates, similar to that which was allowed in Canada?
Certainly; I think that it would give perfect satisfaction if their legal title was fixed in that way.

605. That would be making, on the one hand, a concession towards the Catholic population; and, on the other hand, it would be allaying that feeling of alarm which some Protestants might feel if there was a mere repeal of the Act?
It would be so; and your Grace will see, on looking at that Canadian statute, that there is an express reservation of the Queen's rights against what might be considered any encroachment of the Church of Rome. The twelfth clause is as follows: "And be it enacted, that nothing herein contained shall affect, or be construed to affect, in any manner or way, the rights of Her Majesty, her heirs or successors, or of any person or persons, or of any body politic or corporate, such only excepted as are hereinbefore mentioned and provided for." That is the saving of what are called the Queen's rights, a protest against any other person claiming temporal power in the kingdom.

606. *Lord Archbishop of York.*] It appears to you that no objection would be taken to a clause so drawn?
I should say not; I should say that a Bill modelled on the Canadian Act would be perfectly satisfactory.

607. *Chairman.*] Have you heard whether the working of that Act avoids difficulties and gives general satisfaction?
I believe it does, but I cannot speak of it from any personal knowledge. My attention was called to the Act by a friend of mine, the late Mr. D'Arcy M'Gee, who was unfortunately murdered a short time since, at the time the Ecclesiastical

Ecclesiastical Titles Committee were sitting. I found it in the Commons' library, and I gave it to Mr. Justice O'Hagan. I had not found it at the time I brought in my Bill in the House of Commons last year, otherwise I would have used the very same words in describing the Roman Catholic Bishops.

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608. *Lord Archbishop of York.*] I do not see that in your Bill you give a title to the proposed corporation?

No; I said, "The Roman Catholic Bishop for the time being of any Diocese or district in Ireland, and his Successors;" but certainly I would have put in the words "in communion with the See of Rome," if I had been aware of the Canadian Act when I was framing my Bill.

609. Lord *Colchester.*] Did it appear that the English Government, in the time of Lord Castlereagh, sanctioned this scheme for establishing Roman Catholic Bishops in England in place of vicars apostolic?

It does not appear that they sanctioned it, but the matter was discussed; and your Lordships will find the whole history of the transaction in the volume to which I have referred. The paper to which I referred, as to the change of title from Vicars Apostolic to Bishops, is in the third volume, at page 452.

610. There was an idea on the part of those who contemplated those arrangements, was there not, that the Government would have some such right of veto as it possessed in foreign countries?

In the Irish Bill it was proposed that three persons should be nominated by the Roman Catholic Bishops, and that out of those three names, the Government should send one name to the Pope.

611. Duke of *Somerset.*] In that plan by which it was proposed to give the veto, it was also proposed to give a payment, was it not?

Yes; with respect to the appointment of Bishops, that Bill proposed that three persons should be selected, that their names should be forwarded to the Government, and that the Government should select one and forward it to the Pope; but I only use that Bill to show that by it it was proposed to give by statute territorial titles to Catholic Bishops in Ireland by the Government of Lord Castlereagh.

[The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, One o'clock.

Die Martis, 12° *Maii*, 1868.

LORDS PRESENT:

Lord Archbishop of York.	Earl Granville.
Lord Privy Seal.	Lord Bishop of London.
Duke of Somerset.	Lord Redesdale.
Earl Stanhope.	Lord Colchester.
Earl of Carnarvon.	Lord Somerhill.
Earl of Harrowby.	Lord Lyveden.

The EARL STANHOPE in the Chair.

The Reverend JAMES AITKEN WYLIE, LL.D., is called in; and Examined as follows:

The Rev. *J. A. Wylie*, LL.D.

12th May 1868.

612. *Chairman.*] You are a Minister of the Free Church of Scotland, and also Professor at the Protestant Institute, are you not?
I am.

613. Will you explain what the nature of that Protestant Institute is?
It is a seminary or college erected mainly by the Free Church of Scotland, with the co-operation of the other Protestant Churches of Scotland, for the initiation of students of all denominations into Romano-theology—into the principles of the Popish question.

614. Do you mean in training them for the ministry?
Training them partly for the ministry; giving a course of lectures on the distinctive principles of Roman and Protestant theology to students of all denominations, literary and theological.

615. Where does this college exist?
At Edinburgh.

616. How long has it existed?
About 10 years.

617. Have you all that time been the professor?
I have.

618. Earl *Granville.*] Have you a large number of students at the college?
From 150 to 200 students attend its classes.

619. *Chairman.*] Is it supported entirely by voluntary contributions?
It is endowed. The contributions were made chiefly by the various bodies of Scotland, and the result was its endowment.

620. To what various bodies do you allude?
The Established Church of Scotland, the Free Church of Scotland, the United Presbyterian Church of Scotland, and some members of the Episcopalian Church of Scotland, and others.

621. Are the Committee to understand, then, that all those bodies made contributions in money to the endowment of the Protestant Institute?
Yes.

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622. And in consequence of these endowments the Protestant Institute continues independently, in some degree, of voluntary contributions?

Entirely so.

623. Earl of *Harrowby*.] I think you would consider yourself as representing a good deal the opinions and feelings of a large body of your fellow countrymen in Scotland interested in Protestant questions, would you not?

I presume they take much the same view as I myself do of these matters. I should not put myself forward as a representative of my countrymen or of their opinions by any means; but I think that, in the main, they think much as I think.

624. In what light are you looking at the question of the establishment of the Roman Catholic hierarchy in England; do you look at it as a political or as a religious question?

I look upon it as the importation of a foreign temporal jurisdiction into our country, set up under a spiritual pretence, worked by spiritual machinery, but extending its sentences and workings very widely into the temporal and political sphere; and, in fact, what they call a church is what we call a State, and what they call religion is what we call a temporal government, although wearing a spiritual guise. That, in brief, is the aspect in which I view the Papal aggression, and the erection of the hierarchy in our country.

625. In what way did the creation of this hierarchy affect the position of Roman Catholics as regards the State?

I do not know that, essentially, it affected or altered their position; but the establishment of a hierarchy was a very great step gained, inasmuch as it is the machinery for erecting and working the canon law in our country. The Roman Catholic body had not previously the regular machinery in England which the Church of Rome declares to be necessary for working the canon law; but when the hierarchy was created it possessed that machinery; and it is now passing spiritual decrees which, however, carry temporal effects to a very large extent, and, of course, bringing into working-gear in our country a law which is antagonistic to the civil law of the country.

626. Can you give any instances of this collision between the canon law, which you suppose to have been given greater force to by the introduction of the hierarchy, and the law of the country?

I do not know that it is possible meanwhile for open collision to arise, because the civil law of our country is still the stronger, and so long as it remains so it will check the operation of the canon law; but I scarcely know a point of political life or of social life in which the canon law does not come into conflict with, or decree another thing than, the civil and common law of the country; and of course it becomes in that case a question of time.

627. Can you give any instances of this collision on temporal points?

In the first place, as regards the supreme power, whether the Queen or the Pontiff has the sovereign power in our country, the civil law says that the Queen has no superior under God, but the canon law most decidedly and unambiguously says that the Pontiff is the supreme authority in all countries; the supreme spiritual and ecclesiastical authority; but that spiritual and ecclesiastical authority has in its bosom supreme temporal authority. That is the key note of the canon law—the superiority of the pontifical power to the civil or temporal power in the particular country. Then, arising from that, is the deposing power alleged to be possessed by the Pope. He carries his theory into practical effect by assuming as one of the rights of his chair the power of deposing any Sovereign. At this very hour it is taught in Maynooth by the professors, that the Pope possesses a deposing power; that he has the power of annulling the allegiance of a subject, and also the power of teaching nations when they may rebel. This has come out very clearly and decidedly in the evidence tendered to Her Majesty's Commissioners, and contained in the Blue Book issued in 1855. They go about it, however, in a peculiar or roundabout way. The Pope cannot by an act of jurisdiction depose a Sovereign, but by infallible moral direction he can depose a Sovereign; that is to say, he can, as the great moral judge, declare a Sovereign's title to be illegitimate, and not valid, not by an act of direct jurisdiction, but by a sentence infallibly guiding consciences.

consciences. Then, as regards the allegiance of a subject, he cannot, by an act of jurisdiction, annul that allegiance; but he can by a moral sentence declare that the allegiance of the subject has become non-existent; and, in the third place, he cannot by an act of jurisdiction call upon a nation to rebel or rise in insurrection, but he can, as the infallible exponent of the moral law, tell them when their duty to obey has ceased, and when, by consequence, they have the moral power to rebel. That is the doctrine taught at this hour in Maynooth upon the deposing and absolving power; but I find in the last volume of essays edited by Dr. Manning, that he (Dr. Manning) has carried the deposing and absolving power of the Pontiff to as high a pitch as it ever stood at in the days of Hildebrand, or of Innocent III. Mr. Edmund Purcell, one of the writers of those essays, which have come to us under the *imprimatur* of Dr. Manning, declares that the "right of deposing kings is inherent in the supreme sovereignty which the Popes, as vice-gerents of Christ, exercise over all Christian nations;" that if the Pope does not exercise it in non-Catholic countries, he refrains in the exercise of a wise expediency, but that the non-exercise of this right by no means implies the non-existence of it; but beyond all doubt that it is a right inherent in the Pontifical chair. We find that doctrine published, I may say, at the very doors of the Houses of Parliament. That is one very important branch of the canon law, and the power that can depose monarchs is surely no merely spiritual power.

628. In what way do you connect this statement with the question put as to the increased force given to the canon law by the establishment of a Roman Catholic hierarchy by the Pope in this country?

Under vicars apostolic the canon law was not applicable?

629. *Chairman.*] Why not?

Under vicars apostolic provincial synods could not be held, and it is only provincial synods which can enact decrees applying the canon law to the existing circumstances of Papists in a particular country. A territorial hierarchy is the working-gear of canon law.

630. Your opinion then is, that there is less danger from the Roman Catholic doctrine in Scotland at present than in England?

I should not say from the doctrine, but from the working of the Pontifical power there is less danger in Scotland than in England at this moment, and England is the heart of the empire.

631. You assume that, under the system of vicars apostolic, less development is given to that system of canon law than under a system of territorial prelacy?

According to the canons of Rome, it is so.

632. Lord *Somerhill.*] With regard to the power of deposition of a sovereign, would that deposition take place by synods in effect?

I do not think there is any instance in history of a sovereign being deposed by a synod.

633. But I understood you to say that the synods gave effect to the power and decrees of the Pope in a country, and you had before stated that he assumed the power of deposing a sovereign, which would be of course a very important power if he possessed it. How would you connect the power of a synod with the carrying out of that power to which you object; with regard to the power of deposition, supposing a Pope issued a decree deposing a sovereign, would the decree have more, or less, effect from the action of a synod?

Certainly more effect, inasmuch as we should have a machinery in the country for guiding the consciences of Romanists and bringing the matter to a practical point. The Pope would issue the sentence, and the synod would aid in executing it.

634. You think, then, that the assemblage of a Roman Catholic synod in a country really practically effects the deposition of a sovereign, or injuriously affects the stability of his throne?

It does so in the way of strengthening and giving a legal form to the Pope's temporal supremacy in the country, and in the way of giving it a higher sanction, and also in the way of providing the canonical agency for giving it effect.

 635. *Chairman.*]

The Rev. *J. A. Wylie*, LL.D.

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635. *Chairman.*] But supposing any question to arise on the doctrine which you have thought fit to ascribe to the Roman Catholic canon law, or on the mode of giving effect to that doctrine, may not the decision be equally in the province of a vicar apostolic, as it may be in the power of a Roman Catholic prelate, calling himself Archbishop of Westminster, or Bishop of Beverley?

He may equally announce the Pope's sentence, but cannot equally give it effect. Under vicars apostolic the synods cannot be held, and the canons of Rome require that synods should be held, in order that provincial edicts may be framed; and by those provincial edicts the general provisions of the canon law apply to the circumstances of the Romanists in that particular country.

636. *Lord Archbishop of York.*] But I thought that the power of a vicar apostolic was larger than that of a Bishop or Archbishop?

It is not so large nor so high as that of a Cardinal. I glance for a moment at the true position of the matter in the country in answering your Grace's question, because the position at this hour is that a Cardinal is at the head of the Romish hierarchy in Ireland; but under vicars apostolic, Cardinal Wiseman told us that canon law could not be applied, because the canons of the Church require that it should be under a territorial hierarchy, and that it is only a territorial hierarchy that is qualified to apply canon law.

637. But is it not the case that there is only one system of canon law for countries governed by vicars apostolic, and by the ordinary system of episcopalian jurisdiction?

There is only one system of canon law.

638. And whereas the Bishop's power is limited, and the Archbishop's power is limited by the ordinary law of the Church, the power of a vicar apostolic is unlimited, except by the terms of his commission; in short, he stands for the Pope himself, does he not?

True, vicars apostolic have the power of the Pope; but a territorial hierarchy has it in higher degree, and in regular canonical form. A vicar apostolic is the Pope's delegate, but a territorial hierarchy is, in a sense, the Pope in person. He divests himself of his power, and gives it to them for that province. Vicars apostolic are Bishops *in partibus*; a Bishop *in partibus* has jurisdiction *in partibus*, and could exercise it, should it ever happen to him, in the course of his life, to visit his diocese; but in England he is the simple priest, or missionary. Two things are needed to make a Roman Bishop—orders and jurisdiction. Orders he gets by ordination, and jurisdiction, or the power of law, by legitimate designation, *legitima missio*; but Bishops *in partibus* are designated to only their foreign sees. The powers of vicars apostolic are limited; they are temporary; and under vicars apostolic they could not proceed to frame a permanent body of law. What one vicar apostolic does another may overturn.

639. But a vicar apostolic would not be bound to refrain from acting on the canon law because a provincial council was not held, a provincial council being impossible under the circumstances?

But his acts, as I apprehend, would not have the same legal form, nor the same binding power upon the conscience of Romanists, just because they are not so canonical.

640. Would the conscience of a Romanist be affected by the fact that a vicar apostolic holds a commission from the Pope, while a Bishop has territorial jurisdiction?

No doubt his conscience is still bound; but he would feel that it was bound under higher sanction, or in a more canonical form under a territorial hierarchy than under a vicar apostolic.

641. Why would that difference of feeling arise?

Simply because the canons of the Church assign this as the appointed form of carrying out their government.

642. Then, does not that go to prove that vicars apostolic are unlawful by the Romish canon law?

I do not think so. They are lawful; but can only serve a special end.

643. Earl *Granville.*] You stated just now that a Cardinal was superior to a Bishop; is the degree of Cardinal temporal, or ecclesiastical?

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The degree is temporal; he is a prince of the Roman Empire; he comes in the place of a senator under the old Roman Empire.

644. And a Cardinal need not necessarily be a priest?

He need not be a priest; I think that Cardinal Antonelli is simply a deacon; he cannot say mass; he is not a priest.

645. Earl of *Harrowby.*] And Cardinal Gonsalvi was in the same position, was he not?

Yes.

646. Lord *Somerhill.*] When Cardinal Wiseman spoke in the manner to which you just now alluded, did he not speak entirely of the ecclesiastical discipline of his own Church, and did he make any reference whatever to the temporal power?

When they speak of ecclesiastical discipline they speak of a discipline which, according to their canons, ranges over the whole of the political domain, and over the whole of the social domain, as well as the moral domain; and therefore their spiritual discipline is what other men understand by temporal government. It is termed spiritual discipline, but it is really a temporal *régime.*

647. Do you mean to say that he implied that by the establishment of a regular hierarchy he could in any way affect any man's property, or any man's liberty, in the country?

So far as the law would permit him to do so. He meant that he would carry out the canon law over the persons and properties and the rights of men to all the extent which the law of the land permitted him to do.

648. But practically by the law of the land, which you now mention, he could not have any power over any man's property, nor affect his person in any way; can you define or point out the temporal power which you say it will give him?

It does not appear that the nature of a power is to be defined by the opportunities which its possessor has of exercising it. Here is a power that claims all authority, temporal and spiritual, and it rests that claim upon a divine right. It claims the spiritual authority directly, and the temporal authority indirectly; and now again, as Dr. Manning gives us to understand, claims the right of directly punishing monarchs for heresy with the last punishment, which they say is deposition. This power plants itself in this country, and although it is checked meanwhile by the operation of the law, yet still the power itself is really temporal, and it simply becomes a question of time, or a question of power, when it shall be able to govern the kingdom temporally, and compel the civil law to be simply its servant, and to carry out its sentences. That is the assumption of Rome; that it has the right to make the civil power simply its servant and the executor of its sentences, those sentences ranging over the wide field of morals, and morals comprehending politics, social life, such as marriage and everything which involves duty. In every matter they tell us is duty involved, and in every matter their power can come in; so that here is a power which is positively temporal, and although meanwhile the power of the civil law prevents its reaching all those objects, still the power itself is temporal, and then it becomes a serious matter whether we shall permit such a machinery to be set up. They tell us that this machinery is necessary, and that a territorial hierarchy is necessary, for carrying that power into effect; and it appears to me to be simply a constitutional question. Shall we permit a machinery to be set up with the avowed purpose of carrying into effect, in our realm, a power which is really and substantially temporal?

649. You said that it was positively temporal; can you point out any instance in which the temporalities of any man or woman have been affected by it?

In other countries temporalities have been affected by it. In our country it is but paving the way for this.

650. My question referred exclusively to the British dominions?

It can hardly be in England meanwhile, because still the popular sentiment supports the law of the land; and so long as that is the case it will check this combined temporal and spiritual jurisdiction; but should that state of things alter (and it is possible that it may alter), then we have allowed to be set up in the midst of us a really temporal government.

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651. Earl of *Harrowby*.] You have been asked whether the power of the Pope is increased in any degree, and whether his power of enforcing the canon law is increased in any degree by the substitution of an organized hierarchy in the place of vicars apostolic; are you aware that there are portions of the Pope's authority which require to be sanctioned by an organized body within the country over which it is intended to be extended, and that it has no force until it is so sanctioned?

It has no legal force.

652–3. But are you aware that in such a case it has no power over the consciences of Roman Catholics?

I am not aware of that; I do not think that any sanction given by any mere civil authority in a country will, in the opinion of a Roman Catholic, add in the least to the power of the Papal jurisdiction.

654. I am speaking rather of synods; you are aware that some things, to be available in a Roman Catholic country, must be acknowledged and received within that country?

Yes.

655. And for that purpose there must be some organized bodies to receive them and give their consent?

If I understand the question rightly, it regards the superadded power of the synods.

656. Are you aware that several things were disclaimed in controversy with the Roman Catholics which rested solely upon the authority of the Church of Rome, because they had not been received in England, or in Ireland, and that wanting that consent they were held not to be binding upon the Roman Catholic conscience: for instance, in the case of the *Index Expurgatorius*, and in several other similar cases as to doctrine, are you aware that unless the doctrine were received by the Roman Catholic churches properly organized, it was not considered as binding upon the Roman Catholic conscience; and would not that, if it be true, affect a good deal the importance of having organized bodies, as opposed to bodies exercising a merely temporary and administrative function?

Undoubtedly it would require their existence before a formal power could be given to them. As regards the doctrine, I do not think that it is necessary to have that received by any organized body in the country; if it is promulgated *ex cathedrâ* by the Pope, and received by all the Bishops, of course it is binding as a point of doctrine. There may be bye-laws which are not binding on the conscience of Roman Catholics, unless they are received by organized bodies in the country.

657. You are aware that those doctrines which generally go by the name of the Gallican doctrines are considered as prevailing in some countries, unless the opposite doctrines, the ultramontane doctrines, are regularly accepted?

I do not think there is any distinction in point of doctrine as regards the Gallican liberties; the matter regards the government, the jurisdiction of the church. They have always pleaded for the independence of the French Church, so far, from the absolute government of the Papal See; but the point is restricted to government and not to the doctrines or creed of the Romish Church.

658. You are aware that, in Ireland and in England, what are called the Gallican liberties used to be recognised as the rule of the Roman Catholic Church in this country and at Maynooth?

Yes.

559. Earl *Granville*.] If you consider that the establishment of the canon law in England by this Act of the Pope's may have such dangerous results, will you point out to the Committee in what manner the Act which they are now considering is calculated to prevent that evil?

At the foundation of the matter you have the dogma of the Pope's vicarship binding up the temporal and spiritual power in one jurisdiction; and at the top of the system you have the last encyclical of the present Pope, the Encyclical of 1864, claiming both the direct and indirect temporal power. This is the jurisdiction which we are having imported into our country. They tell us that the territorial hierarchy and all this machinery are necessary for the working of that.

that. The titles are of no great moment, I apprehend, in themselves; but they are the symbols of their jurisdiction. They are necessary according to their canons for the working of that jurisdiction; and if we can put our hand, or if the law can put its finger upon those titles and upon the territorial hierarchy, it arrests, by Rome's own canons, the working of this temporal jurisdiction in our country; and therein I think lies the sole virtue or excellence of the Ecclesiastical Titles Act, viz., that it puts its finger upon that one thing which Rome itself declared to be essential to the carrying out of her scheme; hinged, indeed, upon which she rests the whole of the invasion of our country; and having made that Act, if we shall now repeal it, we shall undoubtedly be held by Romanists to have given a *quasi* sanction to a machinery which is intended to set up a jurisdiction inconsistent with the supremacy of our law, and, as I do solemnly feel, inconsistent with the prerogative of our Queen; and so we shall be in a worse position than we were before.

660. Then do I understand that, in your opinion, the existence of this Act has prevented the canon law from being binding upon those Roman Catholics who choose to submit to it in this country?

I do not think it has prevented the binding power of the canon law, or of any one doctrine of Rome, upon the conscience of any Roman Catholic in the country; but it has prevented Rome from going regularly and canonically about the business of setting up a jurisdiction which is really temporal, and which is opposed to our law, to our liberties, and really to our Throne.

661. Lord *Somerhill.*] Can you explain to the Committee how the Pope's authority has been practically altered or interfered with by this Act?

Just as a sovereign's authority would be paralysed were the whole machinery of his government to be arrested.

662. Has this Act had the effect of paralysing the whole machinery of the Pope's government?

I do not think it has had so decided an effect as that, but still it has had an effect; and it seems to me that Providence, that Power which watches over nations, has given to this country this one thing, this ground (it may be a small ground, but still it is a legal one, even on Rome's own admission), on which we can stand and resist the entrance of a power which is opposed to the supremacy of our Queen, and which in all ages our country has resisted.

663. Can you point out to the Committee any instance of a positive and tangible effect which this Act has had, or anything which it has done or prevented from being done?

It is not so easy to say what it may have prevented from being done, because that is not seen; but they are compelled meanwhile to act, even when they do act, illegally in the judgment of our Parliament. Therefore the law must be a restriction, and it will give us a hold upon them, and should they go to any great excess, we can point to the statute which they exceed; but if we repeal that we lose that advantage, and they obtain a *quasi* sanction to the exercise of their jurisdiction.

664. But has this Act in any case put anybody out of court as yet in any suit of which you may have heard; either in Parliament, or from the highest to the lowest court of the realm, has it affected any proceeding?

I am not prepared to give any instance, because I have not been watching the proceedings of our law courts, or the legislation upon the point; but I am speaking of what must be the general effect of maintaining that Act in force, and what must be the general effect of repealing it; that it will place our country in a more disadvantageous position than ever. We can at least, meanwhile, say that this is a power which is illegal and forbidden by statute, and that will be a fetter; but if we annul that statute, we have no restriction, and you must give way to the exercise of a power which I do verily believe will entail the breaking up of our constitution.

665. *Chairman.*] Are you aware that the penalties under the Ecclesiastical Titles Act have in no one case been enforced, or sought to be enforced?

They have not.

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666. Would it be your desire that some attempt should be made to enforce them?

I think that when Parliament makes a law from respect to its own authority it ought to carry out that law, and especially when, by carrying out that law, it does not encroach by one hair's breadth upon the religious liberty of Romanists in our country. They have their full right of worship; all their sacraments can be administered; all their doctrines can be believed and professed; and their whole worship is unfettered and unrestricted; and we simply forbid what they have no right to assume, namely, territorial titles which do not appertain to their religious rites.

667. If, then, you would wish to see the penalties more strictly enforced, are you satisfied with the present state of things, which leaves the penalties on the Statute Book, no attempt of any kind being made to enforce them?

It is better, certainly, than a repeal of the Act, because a repeal of the Act certainly lowers the power of our constitution; but leaving the Act, even as it is, with the penalties unenforced, we have so far a hold over the working of this foreign jurisdiction.

668. Lord *Lyveden*.] You say that you wish Parliament, when they enact a law, to carry it into force; but you are aware that Parliament cannot enforce the penalties; and therefore who do you think should have attempted to enforce the penalties?

I am not a lawyer; and perhaps I cannot answer that question correctly.

669. But as you have an earnest opinion upon this point, do you think that any private individual, who might act as an informer, might have done so, or has any attempt been made by persons who think with you so to do?

I am not aware that anybody has made an attempt to enforce them by informing.

670. Earl of *Harrowby*.] Is it your opinion that the law, as passed, has had an effect in preventing an assumption of authority which, if it had not been checked in this way, would have probably taken place; and that it has lowered the tone which was assumed on the first promulgation of the decree from Rome?

I decidedly think so.

671. And you believe that if this Act were repealed, there would be practically a withdrawal of that moral protest of the nation against the assumption of an authority within these realms, which in many respects interferes with the temporal jurisdiction by its assumption of moral authority?

Yes; and moreover it is a jurisdiction which we resisted even in Papal times, which we resisted even before the Reformation, and which appears to me to be a violation of the common law of the country. The statutes of *provisors* and *præmunire* are, I believe, still in force. These make it penal to bring rescripts from Rome. The case of Wolsey, before the Reformation, and of Lalor since the Reformation, are cases in point. The latter case goes to prove that to put in force a Papal commission of vicar general or vicar apostolic is an offence against the statute of Richard the Second, the foundation of our legislation on the point. But if we repeal the Ecclesiastical Titles Act, we shall create this most extrordinary state of things, even, that the common law will say that Papal rescripts may not be brought into the country, and yet we shall have virtually sanctioned the bringing of a brief, the building thereon a territorial hierarchy, whose avowed function is to frame laws, send them to Rome, and, when endorsed by the Pope, to be of authority, and to be enforced in this country. It does not appear to me that these two things can stand together.

672. It would appear to be giving a greater authority to the Pope's Rescripts in the country now than they even had before the Reformation?

If we repeal this Act we should be giving a larger power to the Papal Rescripts and Pontificial decrees in this country than they had before the Reformation, and perhaps larger than they have in any Popish country at this hour.

673. Whether legally or not, you believe that it would give a greater liberty and greater sanction than existed before?

Decidedly.

674. *Chairman*.] You are better satisfied, then, with the present state of Scotland, as regards Roman Catholic claims, than with the present state of England,

England, since you think the vicars apostolic less dangerous than that of territorial Bishops?

Yes. The system of vicars apostolic weakens the operation of the canon law by weakening the power of its jurisdiction.

675. Has the body to which you belong presented any petition against the proposed alteration or repeal of the Ecclesiastical Titles Act?

I am not aware that they have. I have not been watching the proceedings on that point very closely.

676. Are you aware of any such petition having been presented from any part of Scotland?

There have been a few. I cannot at this moment specify cases.

677. Earl of *Harrowby.*] Are there other points of collision between the canon law and the common law of the country to which you wish to call attention?

On the question of education there would be collision. The Church of Rome claims an entire and unrestricted control of the education of youth; and the hierarchy, that very hierarchy which we shall have sanctioned if we repeal the Act, would, by its edicts, empty our schools of scholars, unless they had the power of giving us our school books.

678. Duke of *Somerset.*] Would you explain the value of the Ecclesiastical Titles Act in regard to schools?

I do not know that it has any larger bearing than what I have now indicated, viz., that it allows the promulgation of a formal legal edict, forbidding or sanctioning any schools which the Government may plant in the country.

679. Cannot the Roman Catholics, as far as their own community will obey their edicts, now prevent Roman Catholic children from attending Protestant schools?

The priest can do so, and I believe in many cases in Ireland does so; but still when you have an edict wearing a canonical form, issuing from a body possessing jurisdiction, it comes with more power over the conscience.

680. What practical difference would it make, whether the command in that case came from a vicar apostolic or from a Bishop?

In the eye of the Romanist it would have a more legal form.

681. But in this country neither would have power, in comparison with the law of the country; the law of the country would not acknowledge either the power of the vicar apostolic or the power of the Roman Catholic Bishop, would it?

The law would not acknowledge the power, but still the power itself would be made more forcible over the Roman Catholic body.

682. Lord *Somerhill.*] In what way?

By coming in a more canonical form.

683. Do you think that, practically, as regards the heading or the signature of the document, the persons for whom national education was provided would either know or care in any sensible degree whether the authority was exercised by a properly consecrated Bishop or by a vicar apostolic?

I believe the priests would know and care very much, and of course would be more active in enforcing the edict on their flocks.

684. Do you think a priest does not give the same attention to a vicar apostolic, and to the decrees coming from the superiors in his Church (supposing he has the knowledge that they come from Rome, which we may assume to be the case), as he would otherwise give?

He might give the same attention, yet still an edict will always carry more power than the mere recommendation of a vicar apostolic, whose powers are limited and whose office is temporary, and whose official actings partake of the temporary and limited character of his office.

685. You have probably heard or read that there was a synod held at Thurles, in Ireland, at which the present system of national education for the people was condemned?

I am aware that such a synod was held.

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686. In point of fact, do you happen, by having looked at any of the educational reports of that country, to be aware that the number of children at this minute receiving education under the National Board is larger than it was before that synod was held?—I am not aware of that fact.

687. *Lord Bishop of London.*] Could a synod be held in a country where there was not a division of dioceses?

I do not think it could.

688. Therefore, before the division of dioceses, could there be any authoritative promulgation, such as that of the Synod of Thurles: in England, for example, previous to the creation of those dioceses, would it have been possible to hold a synod of Roman Catholic Bishops to promulgate any doctrine?

It would have been quite impossible.

689. Lord *Colchester.*] Do you attach any importance to the statement which I see was made by Dr. Ullathorne, that the absence of chapters to give counsel on the decrees of the diocesan synods was the principal distinction between the system of vicars apostolic and a territorial hierarchy?

I have not attended much to the power of chapters for the working of the system, and I could scarcely say whether I attach greater or smaller importance to it.

690. Duke of *Somerset.*] I understood you to say that there were two points on which you objected to the power of the Roman Catholic synods, one being with regard to education, and the second being with regard to marriage; was that so?

I mentioned marriage as one of the points on which the canon law and the civil law were likely to come into conflict.

691. Have they at all come into conflict on that point?

I am not aware that they have done so, or will do so as long as the civil law is supreme; but the doctrine of the Church of Rome would necessarily bring them into conflict very soon.

692. So long as the civil law is superior, the law of the Church of Rome is of very little importance, is it not?

It is not of much importance to us; but with a growing body, submitting themselves to the canon law, it becomes of importance as a great national and constitutional question.

693. Do you mean by "a growing body," an increasing number of Roman Catholics, or what do you mean by a growing body?

I mean an increasing number of Roman Catholics in England. I do not know that they are increasing in Ireland, but they are not diminishing, certainly, so far as I understand; but they are growing in England, though not to any large extent in Scotland. But in England the same doctrines substantially are being embraced by the Tractarians or Ritualists; already their theology is that of Trent, and by-and-by they will exchange the Queen's supremacy for the Pope's. This seems to me to be a very important consideration in connection with the erection of the hierarchy.

694. Then, do you think that a similar danger to that which arises from the Roman Catholics arises also from the Ritualists?

To a large extent. The doctrine of the Church of Rome on the subject of marriage is, that the intention of the priest constitutes the essence of the marriage, and of course that would in all questions of bigamy and similar cases bring their law very speedily into conflict with the civil law. We should have canon law declaring certain marriages null, which common law declared to be valid, and confusion arising therefrom: excommunication touches the civil rights of men: shall we give effect to these? if not, we shall be accused of intercepting the working of the hierarchy.

695. How is that affected, one way or the other, by the Ecclesiastical Titles Act?

In this way: it appears to me that by repealing the Ecclesiastical Titles Act we give a *quasi* sanction to the machinery by which this law which would conflict with our civil law is extended and strengthened, and by which it will ultimately obtain the dominancy.

696. You

696. You are afraid that by repealing the Ecclesiastical Titles Act we shall give eventually a predominance to the power of the Church of Rome; is that so?

I do not see that we have any legal barrier between us and the growth and ultimate dominancy of the jurisdiction of Rome if we repeal the Ecclesiastical Titles Act. I confess it to be rather a weak defence, but still it is a legal defence, and it serves the purpose, I think, were we carrying it into tolerable effect; but if we remove it, I do feel that we have thrown down our last defence, and that we are to a large extent at the mercy of a foreign, a haughty, and a growing domination.

697. Then, in your opinion, this Ecclesiastical Titles Act is the only barrier now remaining against the encroachments of the Church of Rome in this country?

That is perhaps too strong a way of stating it. I think the common law also stands as a barrier; but if we repeal the Ecclesiastical Titles Act we throw discredit upon the common law; we very much weaken the power of the common law, and we certainly should have the repeal of the Ecclesiastical Titles Act pleaded as a reason why we should not carry the common law into effect on all those questions.

698. But before the Ecclesiastical Titles Act existed, was the common law ever carried into effect?

I could not at this moment specify instances.

699. Is it as regards its moral impression, rather than as regards its legal power, that you attach importance to this Act?

To a very large extent it is as regards the moral impression; but I also attach importance to the legal efficacy of the Act; even though it may not be carried out, still there it stands upon the statute book; and in the case of any very flagrant act on the part of a foreign jurisdiction, we should be able to put in force the statute, and check it.

700. Lord *Carnarvon.*] I understand, in fact, that the objections which you have recently expressed really resolve themselves into this: that if the Ecclesiastical Titles Act were repealed, and if Roman Catholic Bishops were recognised with titles as such, then the voice of the Roman Catholic Church, as expressed through its Bishops, would carry greater weight among the members of the Roman Catholic community than that voice would carry if expressed through vicars apostolic, or through any other form of religious ordination?

I think what I have expressed amounts to a good deal more than that. If we repeal the Ecclesiastical Titles Act, we give what Rome will certainly hold to be a legal sanction to the territorial hierarchy. We shall have promoted the erection of a foreign jurisdiction, a jurisdiction as really temporal as it is spiritual, and which runs out into the temporal sphere; and whenever we turn round on any one point, and check the working of that jurisdiction, we shall be immediately told that we have sanctioned its erection, and that we are taking with the one hand what we have been giving with the other.

701. Were not the objections with reference to education, and with reference to marriage, which you stated a short time since, really resolvable into the form in which I have now expressed them?

Some of the questions may resolve themselves into that form, but others certainly go beyond that a good deal.

702. *Lord Bishop of London.*] With regard to marriage, your opinion is, as I understand, that though the law may override the decisions of Roman ecclesiastics, yet still greater confusion would be introduced into the State by their system having greater influence than it has at present, and that that influence would be secured by recognising their titles?

I think so.

703. You remember, of course, the case of the Archbishop of Cologne, and the quarrel with the King of Prussia?

Yes.

704. Do you remember how that was?

I cannot at this moment detail the circumstances.

 705. Was

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705. Was it not exactly this: that the Archbishop of Cologne, by his edicts, so interfered with the operation of the law of the land, that the King of Prussia thought it right to have him arrested and carried out of Cologne?
Yes, he was sent to the frontier.

706. So that the law, of course, was superior to him?
Yes, I thought your Lordship referred to his having interfered in the laws of marriage.

707. It was in the matter of mixed marriages, was it not, that the conflict took place?
I cannot say whether or not it was in the matter of mixed marriages; but I know he interfered with the law of the land, and was sent to the frontier in charge of a gendarme.

708. Then you regard the Ecclesiastical Titles Act as a protest against such edicts?
I do.

709. And you are afraid that the repeal of it would be the withdrawal of that protest?
I am. In fact, the question is, Shall England change her laws, or shall Rome change her canons? If we repeal the Act, we decide the question in the former sense.

710. Lord *Lyveden.*] Do you think it advantageous that a law should remain on the statute book which is notoriously violated, and which enacts penalties which are never carried into effect?
That is rather a question for Parliament to answer. Parliament has put it there, and I say if you take it away, you will very much lower your position as a country, and you will very much weaken our defence against a foreign jurisdiction, which refrains, it tells us, in the exercise of a wise expediency, from putting in force its undoubted right of deposing non-Catholic sovereigns.

The Witness is ordered to withdraw.

The Reverend ROBERT JAMES McGHIE, is called in; and Examined, as follows:

The Rev. *R. J. M'Ghie.*

711. *Chairman.*] You are Rector of the parish of Holywell-cum-Needingworth in Huntingdonshire, are you not?
I am.

712. How long have you been so?
Since the year 1847.

713. Have you paid attention to the canon law of the Roman Catholic Church?
Yes.

714. At what period do you conceive that it was introduced into Ireland?
There have been canon laws in Ireland, for we know not how long. The *Bulla Cœnæ Domini* was in the theology of Dens, which was set up by the Roman Catholic Bishops in the year 1808, as the guide and standard for the priests, "by which they were to direct the consciences of the people."

715. What was the date of that bull?
It was enacted by Paul V. in the year 1610, by Urban VIII. in England in the year 1627, by Clement XI. in the year 1701, and by Benedict XIV. in the year 1741.

716. In what manner do you conceive the system of canon law of the Roman Catholic Church to be carried out in Ireland?
It is carried out by the most perfectly organised system, I suppose, in the world. To explain exactly the manner, it is necessary for me to mention to your Lordships that these three books which I hold in my hand are necessary to understand the subject fully. One of these is the secret statutes which the Roman

Roman Catholic Bishops enact in their synods, and which they keep with the greatest possible secrecy, so as to prevent their being detected.

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717. You say that this book which you hold in your hand was kept with the greatest possible secrecy; that being so, by what means has that book come into your possession?

I found out that in this book, which I shall mention to the Committee again, and which is called "The Directory of Priests," that the statutes of the Roman Catholic Bishops was the subject of one of their conferences. I went to the bookseller who printed for the Roman Catholic Bishops, and I asked him for a copy of the statutes. "Oh! sir," said he, "you cannot get a copy of those, for when I print them I send them to Dr. Murray," (he was then the Roman Catholic Archbishop of Dublin), "and he keeps them and distributes them to his priests; so that unless you got a copy from him, you could not get one." I gave up, of course, all idea of getting a copy, but one day as I was walking through one of the streets in Dublin, I saw a catalogue of books hanging at the door of a book auctioneer; I looked at the catalogue, and I found it to be a catalogue of priests' books, and one of the first books I saw in the catalogue was "Statutes." I was coming over to England at the time, and could not attend the auction where the books were to be sold; but I went to a bookseller, and I requested that he would attend the auction for me, and I took the list and marked the books he was to purchase, so he said to me, "Sir, you have not mentioned the price you choose to go to for these books?" I said, "The books marked with a stroke you will purchase if they go at a fair price; but those I have marked with a cross, purchase whatever they cost;" and the "Statutes" was one of these books. When the books were set up to auction, for this book which was printed in Dublin in the year 1831, a book of the value of about half-a-crown, one person bid 1*s.* or 2*s.*, and so on; but in a few moments the bidding was confined to two persons; the bookseller who was bidding for me, and a person who was attending with the auctioneer; and it went up from half-a-crown to 5*s.* and 10*s.*, and so on, and the last bid that my bookseller made for it was 7*l.* 5*s.*; the other man bid 7*l.* 10*s.*, and he asked, "Why are you bidding against me?" "Oh! that book Father Costigan ordered me to buy in, and if it goes to 50*l.* you shall not get it." So, of course, my bookseller ceased bidding, and the book was knocked down to his opponent for 7*l.* 10*s.* The eyes of all persons in the auction were fastened on the bidders for this book. They could not conceive why it was sold for such a price. The day after, I think, a jobbing bookseller came to the person who had been bidding for me, and he said (it was mentioned in the newspapers), "I am told that you bid 7*l.* 5*s.* for a book of Statutes, I can give you a copy for five guineas." The bookseller consulted me whether he should buy it, and I said that of course, if it was worth 50*l.* to them, it was worth five guineas to me, and I told him to buy the book. The book gave me a very clear and perfect insight into the whole system, by which the canon law and all the instructions of the Roman Catholic Bishops are carried out. Then I should mention that I got from the bookseller afterwards copies of it, which enabled me to lodge them in cabinets in the universities.

718. What is the second book which you have?

The second book is what is called "The Directory of the Priests." It is useless and unintelligible to any person except the priests. It contains the orders for what they call their offices. They are obliged to recite their offices; that is, parts of the breviary and other things which are prescribed in this book for every day in the year, and they must have this book in order to enable them to recite their offices. Then the Bishops have a book which they select as one in which the priests are to be thoroughly instructed, that they may "direct thereby the consciences of the people."

719. *Chairman.*] What is the name of the first book?

"Statuta Diocesana per Provinciam Dublinensem Observanda;" and then it mentions the names of the Bishops, in suis respectivè Synodis Diœcesanis. "Edita et promulgata," and the date is 1831.

720. Earl of *Carnarvon.*] Are those statutes binding on the Bishops, or are the statutes binding on the priests only?

The statutes are the rules appointed by the Bishops, to direct the priests in all

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all things in which they choose to direct them; and one of the directions in the statutes is, that the priests must be thoroughly prepared in the book by which they are to "direct the consciences of the people."

721. Then, do you suppose that every priest is in possession of a similar volume?

Every priest must have a copy of the statutes, and every priest must have every day in the year in his hand a copy of the directory, because the directory is that in which he finds his offices which he must recite. Then the way in which they carry out all their laws and all their principles is this: they select a book by which the priests are "to direct the consciences of the people committed to their charge, for whom they shall answer in the day of judgment." Those are the words of their statutes. Then they appoint four conferences every year. For those conferences the chapters of the book, in which or by which the priests are to direct the consciences of the people, are broken into certain questions. Those questions are printed in the directory, and the priests at those conferences must answer the Bishop according to the book from the questions in the directory, so that priests may be thoroughly acquainted with the book by which they are to "direct the consciences of the people," that the Bishops may know that the priests are so informed.

722. Looking, then, to the number of priests who are in possession of this volume, and to the number of volumes which must considerably exceed several thousands, is it likely that secresy could be in the nature of things preserved?

That I cannot say, but I believe it is very closely preserved; I do not think that I could have got those statutes from any other person in Ireland, that I know of, except the person who gave them to me. He was a jobbing bookseller, and he could go among the priests, and exchange books with them.

723. But is every book on the death of a priest recalled?

I am glad that your Lordship happened to mention that to me, because it is very remarkable that in the directions for the vicars general, the rural dean is ordered to visit any priest who happens to be sick, and to take care that the register of baptisms and marriages and sacred vessels and vestments, and altar coverings and ornaments which belong to the parish, should not fall into the hands of any other person, but be kept by the rural dean, and he says "Exemplar verò horum statutorum secum domum portabit," he is to carry the copy of the statutes home in his pocket.

724. *Lord Bishop of London.*] Are those statutes promulgated by a synod?

By the synod of the Bishops.

725. Then, could there be such statutes in a country in which there were no dioceses?

I do not know.

726. Could a synod be held in a country where there were only vicars apostolic?

I should say not; for when the Roman Catholic episcopate was appointed in this country, Cardinal Wiseman stated that it was necessary to have bishops to carry out the canon law, and also for synods. Therefore, the vicars apostolic could not hold synods.

727. *Chairman.*] Will you have the goodness to state in general terms what dangers you apprehend from the introduction of the canon law of the Roman Catholic Church into either England or Ireland?

The danger is to be stated on the highest possible authority; your Lordships, perhaps, recollect that a Committee of the House of Commons was appointed to appeal to all foreign ambassadors and all foreign governments, to know the laws which they held in their several countries respecting the Roman Catholics. Returns were made of all those laws from the foreign states, and in those returns certain laws were mentioned which were excluded by an *exequatur* from all countries in Europe. One of those laws was the *Bulla Cœnæ Domini.* It was excluded in Naples, and the return from Naples stated that "it was abhorred and execrated in that kingdom," and that it was "rejected and expelled from the dominions of all Catholic princes." In Sicily it was stated that "the *Bulla Cœnæ Domini* had no other object than that of entirely over-

ruling

ruling the legitimate power of sovereigns;" that it declared all those to be excommunicate who in any manner should favour heretics." In France, the *Bulla Cœnæ Domini* was declared to be "a direct infraction of the temporal and civil rights of all sovereigns." "This bull has been equally resisted in Venice, Germany, Spain, and other countries." "Its chief purport is to keep up the extravagant immunities claimed by the Pope and the Catholic clergy." Committees of your Lordships' House and of the House of Commons were appointed in the years 1825 and 1826 to examine the Roman Catholic Bishops on various topics, and, among the rest, on these several bulls. It was then their interest to deny those bulls, and to state that they could not and ought not to be published in Ireland. Dr. Doyle said that "if that bull were in force, scarcely anything would be at rest among all the Catholic States of Europe." Dr. M'Hale said that "the collision which would be supposed to result from the reception of that bull with the established authorities of the country was an insurmountable objection to its publication." Therefore you have the authorities of the persons who put this bull in force as to the dangers that must necessarily result from its publication.

728. The practical question before this Committee is with regard to the clause in the Roman Catholic Relief Act and the Ecclesiastical Titles Act: the question, then, on which the Committee would be glad to hear your opinion would be, in what manner any dangers which may result from any part of the Roman Catholic system have been diminished, or are likely to be diminished, by the passing of the Ecclesiastical Titles Act?

I do not conceive that the passing of the Ecclesiastical Titles Act affected them in the least. There were four great points to be considered before that Bill had passed. The first was the practical fact that the Pope had presumed to divide this country into districts. The second was, that he appointed his officers to preside over them. The third was, that he appointed them for the purpose of carrying out this canon law, as Cardinal Wiseman stated, and his statement of that fact was an authoritative publication of the canon law of Rome in England. The next point was merely the titles those Bishops were to have; and the law merely affected the titles, but left the great facts untouched.

729. This Act having passed, and having formed the subject of complaint from some persons of authority in the Roman Catholic community, the question is, whether, in your judgment, its retention is of value; and whether it affords any security to any of our Protestant establishments?

I do not think that it ever afforded the slightest security. I do not see how it affected the course of the canon law, or any of the acts of the Roman Catholic Bishops in this empire.

730. *Lord Privy Seal.*] Do you think it afforded any moral security as being a protest on the part of this country against foreign claims?

If I may presume to give my own opinion upon the subject, I would say that it seemed to me to be a very feeble and inefficient protest on the part of this country against the introduction of the laws which tend to subvert all our institutions. This *Bulla Cœnæ Domini*, as to which your Lordships have inquired, excommunicates the Sovereign and all the powers of the Protestant Government, and it establishes the temporal power of the Pope directly over every Roman Catholic. But the great object of the *Bulla Cœnæ Domini* is what is called "the reservation of cases." The poor Roman Catholics all believe that their priests have the power of pardoning their sins; but to establish the authority of the Church over the consciences of Roman Catholics, there are certain sins which in every diocese they say that the priests cannot pardon, but which are reserved to the Bishops; so that when a poor Roman Catholic confesses that he has committed such and such a sin, the priest says, "I cannot pardon you, you are reserved to the Bishop." Then there are other sins which, if a Roman Catholic commits, he is told that the Bishop cannot pardon, but which are reserved to the Pope; and the reservation of those cases to the Pope, is that which carries out the temporal power of the Pope over the conscience of every Roman Catholic; so that a poor Roman Catholic who finds that his case is reserved to the Pope is excommunicated, he cannot receive the Sacraments, and he is in a state of condemnation; and, therefore, there are no sanctions of British law so stringent over the consciences of men, as the sanc-

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tion of what they call their spiritual power over the consciences of Roman Catholics.

731. *Lord Bishop of London.*] Then do you suppose that this Bull was introduced into England by the division into dioceses?

Certainly; the vicars apostolic are merely an accident in the Church of Rome. They are not known to the canon law. The Bishops are the persons who are appointed to carry out the canon law, and Cardinal Wiseman stated, in his publication, that the Bishops were appointed for the purpose of carrying out the canon law, and he being, as they call him, a Prince of the Holy Roman Empire, that was his official proclamation of the canon law of Rome in England.

732. Then your opinion is, that this particular Bull, about which you have been speaking, was introduced into England by the aggression against which this Act was a protest?

Certainly, and there is now the Bull *Pastoralis Regiminis*, which is still more stringent. The *Bulla Cœnæ Domini* was a subject of examination before Committees of the House of Lords and of the House of Commons in the years 1825 and 1826. The Bull *Pastoralis Regiminis* they do not seem to have known; but that is a still more stringent Bull for carrying out the canon law and the authority of the Pope. Your Lordships will perceive that under the Bull *Pastoralis Regiminis*, if a Roman Catholic presumes to resist the orders of the Court of Rome, if he is a priest he is deprived of his orders and offices; that is to say, that he is turned out as a beggar on the face of the earth, and he has no redress; and if a Roman Catholic layman resists them he is subject to excommunication; so that the temporal power of the Pope in this country is as stringent and as stringently carried out over Roman Catholics as it could be under the walls of the Vatican by that law of reserved cases.

733. Lord *Lyveden.*] I understand you to say that you consider the Ecclesiastical Titles Act itself to be a very poor defence against the aggressions of the Romish Church; that being the case, do you consider it of any consequence whether it is repealed or not; do you think that the repeal of it would give any greater power to the Romish Church?

I think that the repeal of it is important in this sense; that it would give the Roman Catholic Bishops an opportunity or a power of saying that they hold a status in the country, which they do not exactly hold under that law; and I think it would enable them to tell the Roman Catholics, as I believe they do tell them, that they have defeated the Government, and that the Government was afraid of them.

734. The existence of the Act takes away that power of boasting; but in actual power you do not conceive that it makes much difference?

It has made no difference at all, for it never could be enforced, and it never has been enforced.

735. *Lord Privy Seal.*] Is it not true that the Roman Catholics attach great importance to that Act, and that they feel very much aggrieved by the passing of that Act?

I cannot say exactly what the Roman Catholics may feel, but I know that it is their policy of course to complain, and to say that they feel aggrieved, and to make demands, and demands, and demands, upon the British Government, and to call for concessions.

736. Still, if they consider it of such consequence that it does aggrieve them, is there not some good reason to suppose that they do look upon it as a barrier to their claims and power?

I am sorry to say that they do not sufficiently know or feel that there is really any barrier in the Government to the exercise of their power, for the exercise of their power is carried on without any opposition in Ireland, and now progressively in England. That is my full conviction on the subject from my knowledge of all their books, and of what they teach and of their laws, and especially of these laws. If your Lordships will allow me, I will read to you the statement of a Roman Catholic priest upon the subject. This man lived and died a conscientious Roman Catholic priest, but he was a man who had been educated

educated in some of the foreign colleges, and he was a loyal man. His name was Morrissy. He published a book in the year 1822, and he stated what the objects and views of the Roman Catholic Bishops were, and this is a part of his statement: "As the inquisitorial laws are general and unqualified, so must the Roman Catholic Emancipation be general and unqualified in the end; namely, the Pope must have the nomination and appointment of Roman Catholic monarchs to those realms. Ireland must be tributary to him again. The Bishops and clergy must be reinstated in their glebes and church livings. The forfeited estates must be restored to the right owners, and the established Church must be Roman Catholic. All the heretics in the land must be exterminated and their properties confiscated, and the nation must be purged from heresy and the remains of heresy. Then and only then will the Roman Catholics consider themselves fully and unconditionally emancipated. This is what is understood by an unqualified Catholic Emancipation." Now, if their laws are laws to carry out the principles which are stated by this priest, that is the law for the extermination of heretics out of the country. It is most important that your Lordships should know what the confession of the Roman Catholic priests and Bishops was before this law was put into force. The most eminent of the Roman Catholic Bishops, Dr. Doyle, wrote a letter to Lord Liverpool, in which he states that "Such a law" (meaning the third canon of the Fourth Lateran Council) "in the present age (for we will not judge others lest we ourselves might be judged) would be immoral, unjust, impossible; it would be opposed to the natural dispositions of the people of this empire. It would be contrary to all the laws, usages, and customs of our country. It would not be suited to the times and circumstances under which we live; and in place of being necessary or useful, it would upturn the very foundations of society; and, instead of benefiting the community, it would drench our streets and fields in blood." Your Lordships may judge from the present state of Ireland whether the publication in this country of the *Bulla Cœnæ Domini*, which it was said would not leave anything at rest in the country, or of this Bull, which was said to be likely to drench our streets and fields in blood, has done any injury to it or not. The very suspension of the constitution at this moment seems to me to be a very striking comment on those Bulls.

737. Lord *Somerhill.*] Do you attribute, practically, anything which you may consider evil in the present condition of Ireland to the publication of the *Bulla Cœnæ Domini* of which you have been speaking?

I attribute it most certainly and most indubitably to the instructions which the poor Roman Catholics receive from their Bishops, all of which instructions, in their morals, in their theology, and in their comments on the Scriptures which they have secretly distributed amongst the people, are perfectly in accordance with these laws. These laws are only laws to put the principles of their religion into force.

738. As to those instructions to which you refer, of their prelates and priests, were they in any degree altered by the introduction of the bull of which you have been speaking, or are they the same as they were previously?

I believe they are, so far that the force of law has been given to the instructions which they conveyed to the people before, both in their Scriptures and by the priests in their directions to the people.

739. And are those instructions more binding upon the people now than they were previously?

These laws bring the power of the Church of Rome into greater activity. They themselves stated what the effect of those laws would be, and all the Roman Catholic statesmen in Europe state what the effect of those laws would be in their country; and therefore they exclude them, and will not allow the *Bulla Cœnæ Domini* to be published in any country in Europe; so that the fact of the matter is, that the poor Roman Catholics of Ireland are under more stringent despotism than the Roman Catholics of any other country.

740. Do you think that, practically, they are more under the despotism of the priests than they were 40 years ago, and that they are as much afraid of them in every sense of the term, applying it in every way, both as regards any superstition that they may have, and as regards any religious and proper feeling?

 I believe

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I believe that there are many Roman Catholics in Ireland at this moment who are really loyal, and who really love British law, and who are groaning under the despotism of their priests and Bishops. I believe that the vast majority of the poor people are under that despotism, and ground down by it. If I may presume to offer an opinion upon the subject, I would say this, that while your Reform Bills give real liberty to the people of this country, they only increase the slavery of the Roman Catholics of Ireland, by giving the Bishops and priests a greater interest in compelling them to return what Members they please to Parliament.

741. But were those circumstances different before this *Bulla Cœnæ Domini* was introduced into Ireland, or before the Ecclesiastical titles were assumed in England?

I believe that every year the power of the Church of Rome has been growing. They have been encouraged more and more, I think, by the liberality of the British Government, and by the fact that really the statesmen of England do not know the laws of the Church of Rome, and do not understand the case. It has never been brought out. If it was brought out, and published, and if the facts were really known, I believe that it would be very different.

742. Lord *Redesdale.*] I understand, from what you have stated, that in the years 1825 and 1826, that Bull and the other provisions of the canon law to which you have referred, were not in force in Ireland?

The *Bulla Cœnæ Domini* had been in force in Ireland from the year 1808, in which year the Roman Catholic Bishops assembled in synod, and selected the theology of Dens, as the best book by which their priests could be guided. When we have their secret statutes we see that they selected this book for the purpose of instructing their priests "to direct the consciences of the people," so as to make the principles which the priests taught them a matter of conscientious obligation.

743. But, according to that statement, the evidence given by Dr. Doyle, in the year 1825, and by Dr. M'Hale, in the year 1826, must have been untrue?

Certainly it was untrue; there is not a question of it.

744. It has been stated, in a paper which you have given to the Committee, that the canon law of Rome was introduced into Ireland to the extent to which it exists there, still further, in the year 1832; in what way was that done?

It was introduced under the fictitious title of the "Eighth Volume of Dens's Theology." Immediately after the Roman Catholics got emancipation, in the year 1830, the Roman Catholic Bishops published a most amiable pastoral, full of loyalty, gratitude, and everything which you would say was most becoming to them, exhorting the people to live in peace, and so on. I will not detain your Lordships by reading the pastoral, but I tell you the nature of it; and indeed it was so good, that I recollect Earl Russell, at the time of the Papal aggression, quoting a passage from this pastoral, and saying that he wished that Cardinal Cullen and the Bishops then in Ireland would follow the example of the Bishops who wrote this pastoral in the year 1830. In that year 1830, they said that they themselves were thankful that by the emancipation they were delivered from the pain of entering into political agitation; that they now retired, and devoted themselves to the spiritual objects of their profession; and they exhorted the people to live in peace and quietness, and harmony, and obedience to the laws; and, in fact, no better pastoral could have been imagined. That was in the year 1830. But in the year 1831, Dr. Murray and his suffragans enacted these secret statutes, and the very first upon the list of those against whom they pronounced the sentence of excommunication were heretics. These are the words of the statutes to which I refer: "*De Censuris. Contra sequentes lata est sententia excommunicationis, ipso facto, incurrenda; a quâ nullus Sacerdos, nisi per specialem delegationem, absolvere potest.* 1° *Hæretici et apostatæ.*" They are the first persons against whom the sentence of excommunication is pronounced. Then in the year 1831 he set up "Dens's Theology" as the conference book for his province. That was for all Ireland. That conference book was the book by which he and all the Bishops in Ireland were to instruct the priests "to direct the consciences of the people." In the next year, 1832, they published an edition of "Dens," with an eighth volume, as they entitled

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entitled it; but this eighth volume was the canon law of Benedict XIV., containing those laws which I have had the honour of laying before your Lordships. If I may presume to suggest anything to your Lordships, I would most earnestly advise that you should be so good as to have a copy of this book yourselves; the title is, "The Church of Rome; Report on the Documents deposited in the Universities, 1850." It is published by Shaw, of Paternoster-row. In those sheets, which I have presumed to give your Lordships, you will find a reference to the pages of this report for each of those laws; it is a sort of abstract, but the words of the document are here. I am quoting an extract from "Dens": "What are the laws enacted against heretics?" The laws enacted against heretics were these; and these principles were to be taught through the length and breadth of Ireland, and to the whole of the Roman Catholics: "Heresy is worse than Judaism or Paganism. Heretics are to be compelled to the faith by corporal punishment; their worship is not to be tolerated," and so on.

745. Earl of *Harrowby.*] Are you aware that the Roman Catholics dispute the validity of the argument that the Bull was introduced by the introduction of that 8th volume of Dens?

They dispute and deny anything and everything they please.

746. Do they not hold this doctrine; that those books were introduced for the purpose of discussion among the priests, but not as accepting formally the Bulls?

They have stated over and over again, and it is the law of their Church, that whenever a Bull is published in any country it is put in force *ipso facto* in that country.

747. Do you mean to say whenever it is published by any bookseller?

Not at all; but whenever it is published under the authority of a Bishop, unless the majority of the Bishops in the country reclaim against it, then it is put in force in that country *ipso facto.*

748. But the defence which they have raised on this point is this: that this book was not a publication of the Bull, but was only a submission of the question as a matter of debate and discussion among the priests; but they deny, do they not, whether rightly or wrongly, there has been such a publication of the Bull you speak of, the *Bulla Cœnæ Domini,* as is intended by the canon law?

When the evidence was first brought out, in the year 1835, of the adoption of Dens by Dr. Murray, and the Roman Catholic Bishops of Ireland as the conference book for their dioceses, and when the statements were taken from Dens, of which I was reading to your Lordships an abstract of the dreadful sentences against heretics, and of the laws enacted against them, Dr. Murray wrote a letter to Lord Melbourne, in which he stated that he "did not make Dens a conference book, and that in fact they had no such book." Then the only evidences against them were the Directory and the book of Dens; but when these statutes were discovered, then the falsehood of Dr. Murray's letter was made perfectly clear, for here he says, "We command, therefore, that all priests may have in their possession some work of moral theology, in which frequently, and if possible every day, they may attentively read one chapter or title, that, being aided by this frequent study, they may be able to direct the consciences of the people committed to them for whom they shall render account to the Lord in the day of judgment." Then afterwards he says, "Therefore that the clergy may not be deficient in attaining a knowledge so necessary for themselves, and that we ourselves may be more certain that they are fully instructed duly and worthily, to sustain the grave offices entrusted to them as pastors and confessors, we command that conferences in theology shall be held every year in the first and second weeks of the months of July, August, September, and October, in which conferences all the priests subject to us are bound to be present, and if they are interrogated in the matter to be discussed they shall be able to answer; and if any priest shall be absent from the conferences twice in the same year without the consent in writing of the vicar general, we declare him *ipso facto* to be suspended. The questions to be discussed in each of the conferences of every year shall be

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announced in the Dublin Directory." In the Dublin Directory of that year, the annunciation was, "In obedience to the command of the Most Illustrious Archbishop and Bishops of this diocese, we shall discuss such and such questions" (I do not know exactly what they were) "from the author, Dominus Dens." Therefore, when Dr. Murray had declared in writing to Lord Melbourne that he "did not make Dens a conference book, and that they had no such book," the detection of his secret statutes proved that he had made it a conference book, and that he appointed it as a book which he had known before, and that it was "to direct the consciences of the people committed to the charge" of the priests, so that he and the other Bishops might know that the priests were duly instructed in it, and that the questions from it should be announced in the Dublin Directory as they were. Therefore, the fact was brought home to him beyond all question.

749. But have the Roman Catholic Bishops or authorities at any time admitted that the bull by that act has been received by the Roman Catholic Church in Ireland, and is in effective operation?
It is impossible that they can deny it.

750. But have they ever admitted it; have they not always pretended at least to dispute it?
They deny everything that suits their purpose.

751. Duke of *Somerset.*] You stated, I think, that you attach very little importance or value to the Ecclesiastical Titles Act?
Very little value. It is of no value at all.

752. At the same time you have pointed out at great length to this Committee the danger which you think will arise and is arising from the aggressions of the Church of Rome?
Beyond a doubt.

753. In your view, I suppose that it would be right that some far more stringent Act than the Ecclesiastical Titles Act should be passed in order to resist these aggressions?
That would be a question which would require very grave consideration from statesmen who are thoroughly well acquainted with the subject. I do not know of any law which could be passed in the British Parliament which would be effective as against them. If the British Government was to act as the other Governments of Europe do, they would denounce those laws, and shut them out of the country; but I do not know how they could do so. I do not know how they could prevent the Roman Catholic Bishops from carrying out those principles over the consciences of the people.

754. Then, in point of fact, your evidence comes to this; that the Ecclesiastical Titles Act is of no value, and you do not know any other Act which in this free country Parliament could pass which would be of any value for the purpose?
I do not say that I do not know of any other Act, for I believe it would be possible to draw such an Act; but I say that it would be one that would require very grave consideration from statesmen thoroughly acquainted with the subject. A superficial knowledge of these things, such as might be acquired, perhaps, from the examination of an individual like myself, is not sufficient; but if your Lordships were to investigate the subject, and if you were to have the documents which are lodged in the Universities brought before you, and were to see the documents of those men themselves, then you could form a full and perfect judgment upon the subject. I believe that there could be a law introduced which would be very effectual in preventing the operation of those laws; but it would be premature in me to presume to suggest that to your Lordships' consideration.

755. Lord *Colchester.*] In reference to England, did you state that you thought that the introduction of a territorial hierarchy introduced those laws and restrained the power of the Pope more than the system of vicars apostolic did?

The

The vicars apostolic had no power of carrying out the canon law. The vicars apostolic are not mentioned in the canon law.

756. Is it not supposed that where vicars apostolic exist, the Pope has the direct government, and that they act for him without the intermediation of a Bishop?

In the case of the vicars apostolic, I believe that there was nothing whatever deficient as to the mere religion of the Roman Catholics, but that they had the full exercise of their religion under vicars apostolic in England, as they had under the Bishops in Ireland; but when they saw that the canon law was introduced in Ireland, and that it was unresisted and unknown by the British Government, then the Pope thought that he could introduce it into England, and for that purpose he appointed his Bishops to do so here, and the canon law is as much in force in England now as in Ireland.

757. You think that something like those statutes from which you have quoted was introduced into England by the establishment of the territorial hierarchy?

By the establishment of the Roman Catholic episcopacy in this country the canon law was effectually introduced, because men were appointed to offices who had the power under the laws of Rome of carrying out the canon law, which the vicars apostolic had not.

758. And you suppose that the bulls, for instance, which you have mentioned, were not in force here in the year 1850, but that they became so in the year 1851?

Certainly.

759. Earl of *Carnarvon.*] I understand, with reference to the answer which you made just now to the noble Duke who questioned you, that your arguments in general were directed against the aggression of the Roman Catholic Church; but I also understand that, in particular, your objection consists in this; that whatever Papal influence, or power, or jurisdiction can be used in England is mainly exercised through the instrumentality of the Bishops of the Roman Catholic Church; is it not so?

I believe that all the power of the Roman Catholic Church is exercised by the Bishops. The Roman Catholic laity are merely the subjects, and slaves, and victims of the Papal law. They do not know it; they do not read it; I suppose none of them ever saw it.

760. In that case your objection would lie really as much to Bishops without territorial titles as with territorial titles, would it not?

The territorial titles do not in the slightest degree affect the power of the Bishops. The Bishops are in the country; they have their dioceses, and whether they get their titles, or do not get their titles, they will carry out their canon law over the Roman Catholic population of this country, and they are doing so now.

761. Your objection would be to the existence of a Roman Catholic episcopacy in England, would it not?

Beyond all doubt the admission of the Roman Catholic episcopacy into England admitted the canon law of Rome.

762. And therefore your objection is to the existence of the Roman Catholic episcopacy as such?

The Roman Catholic episcopacy as such are the instruments by whom the Pope carries out his law in this country.

763. *Lord Bishop of London.*] You mean a diocesan episcopacy?

Of course.

764. Earl of *Carnarvon.*] Might you not, therefore, carry your objection one step further, and apply it to any religious organisation as existing within the Roman Catholic Church for the purposes and objects of the Roman Catholic Church?

I do not fully understand exactly what your Lordship would convey.

765. The objections that you have urged, as I understood, lie really against

The Rev. *R. J. M'Ghie.* 12th May 1868.

the existence of a Roman Catholic episcopate, because through that episcopate greater influence is obtained and exercised upon the minds of the Roman Catholic community; is it not so?

The law is exercised and put in force by the Bishops.

766. And your objection is consequently to the existence of such a body?

Of course.

767. Then, must you not carry that objection one step further, and apply it to the existence and the recognition by the law of any organization of a religious kind in the Roman Catholic Church for religious purposes within that Roman Catholic community?

If the exercise of the authority of the Bishops was confined to spiritual things and to the pure exercise of the Roman Catholic religion, of course I should say they ought to have full liberty in a free country to carry out the principles of their religion, as pure religion; but when the principles of their religion lead them to carry out their laws against the institutions of a Protestant State, and against the persons and properties of Protestants, then I think that they ought by all means to be restricted by law.

768. May I not ask, therefore, whether the objection really does not resolve itself into this, that it is an objection against the existence of Roman Catholics as a religious body within the country?

How can any person object to the existence of Roman Catholics, as such, if you confine the objection to religion in a country? I am objecting to the admission or permission of their laws as against the Protestants. We give them full permission, and they ought to have full permission for the conscientious exercise of their own religion; but *hanc veniam petimusque damusque vicissim.* We should demand free exercise for our religion, which they would not allow us.

769. Earl of *Harrowby.*] I think you said you conceived that the Ecclesiastical Titles Act was a feeble barrier?

I think it is no barrier at all to the exercise of the canon law.

770. Should you be indifferent to its repeal?

I think its repeal would give the Roman Catholic Bishops a power of stating that they had made another advance upon the British Government and conquered the British Government, and made the British Government subservient to them, which is their great object.

771. You think that the repeal of the Act would give them great moral encouragement?

Of course.

772. And that moral encouragement is to a great degree an element of power?

It is to a great degree an element of power.

773. And therefore you do not consider it to be a matter of indifference whether the Act is repealed or not?

I do not.

774. Would you deprecate its being repealed?

I mentioned what seemed to me to be the objection to that; but it has been such a feeble and useless barrier against the actual evils of the Church of Rome, that its removal, I think, would not, in the slightest degree, either encourage or impede the power of the canon law. They do not mind it; they scoff at it; it is nothing; they laugh at the law, because it is a law that has never been and could not be carried into effect.

775. Do you believe that the law has not had an effect in diminishing considerably the public assumption of titles by the Roman Catholic hierarchy?

I do not think it has had the slightest effect.

776. Are you not aware that in their documents they studiously avoid infringing the law?

I think they infringe it without the slightest hesitation.

777. You

777. You are not aware of the forms which they employ in their public documents?

The Rev. *R. J. M'Ghie.*

12th May 1868.

I do not know whether they would make themselves subject to the law in certain official documents, but they call themselves by their titles, such as "Cardinal Archbishop of Westminster."

778. But are you aware that in their documents they do not pretend to those titles?

I do not know.

[The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, One o'clock.

APPENDIX.

Appendix A.

Letter from the Right Rev. Bishop *Grant*, D. D., to the Earl of *Harrowby*. Appendix A.

St. George's, Southwark, S. E.
18 May 1868.

My Lord,

I wrote to the Bishop of Liège for information on the point raised by your Lordship before the Committee on Ecclesiastical Titles, and I beg leave to forward his reply, which it will not be necessary for you to have the trouble of returning.

May I explain, lest the terms should be new, that the *droit actif* means the right of voting, the *droit passif* the right of being elected. Thus, under Horne Tooke's Act, a clergyman has the *droit actif* of electing Members of Parliament, but has not the *droit passif* of being himself eligible.

Yours, &c.

The Earl of Harrowby. (signed) ✠ *Thomas Grant.*

Prusse.

Suivant la Bulle *De Salutem Animarum* de 1821, les évêques des diocèses, en deçà comme au-delà du Rhin, sont nommés par les chapîtres, et les chanoines honoraires ont droit actif d'élection. Les chapîtres doivent présenter une liste de trois candidats au Roi de Prusse, qui peut effacer *personas minus gratas*. C'est parmi ces trois candidats que le choix doit avoir lieu. Pour avoir droit passif d'élection, il faut être prêtre prussien.

Hollande.

Les chapîtres choisissent leur evêque conformément à l'instruction de la Propagande du 17 Juillet 1858.

J'ai tout lieu de croire qui en Suisse pas plus qu'en Belgique, le Gouvernement n'intervient en rien dans les nominations.

14 May 1868. *Bishop of Liège.*

Brought from the Lords, 22 June 1868.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON

ECCLESIASTICAL TITLES

IN

GREAT BRITAIN AND IRELAND;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
23 *June* 1868.

348.

Under 16 *oz.*

I N D E X

TO THE

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON

ECCLESIASTICAL TITLES

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GREAT BRITAIN AND IRELAND.

Ordered, by The House of Commons, *to be Printed,*
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TO THE

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON

ECCLESIASTICAL TITLES

IN

GREAT BRITAIN AND IRELAND.

Ordered, by The House of Commons, *to be Printed,*
23 *June* 1868.

348—I.

Under 2 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

HOUSE OF COMMONS (ARRANGEMENTS);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
12 *May* 1868.

Wednesday, 19*th February* 1868.

Ordered, That a Select Committee be appointed to consider whether any alteration can be made in the Arrangements of the House of Commons, so as to enable a greater number of Members to hear and take part in the proceedings, and to consider the arrangement of the several rooms and offices attached to the House, and the means of access to the same, with a view to the greater convenience of Members in the discharge of their duties, and how better accommodation can be provided within the precincts of the House, for the transaction of departmental Business, during the Sittings of the House, by Members holding offices in the Government.

Friday, 6*th March* 1868.

Committee nominated of—

Mr. Headlam.	Lord Elcho.
Lord John Manners.	Mr. Cardwell.
Mr. William Cowper.	Mr. Baillie Cochrane.
Mr. Tite.	Mr. Darby Griffith.
Mr. Bazley.	Mr. John Bright.
Viscount Cranbourne.	Sir Charles Lanyon.
Mr. Hankey.	Mr. Beresford Hope.
Sir Frederick Heygate.	

Ordered, That the Committee have Power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Tuesday, 10*th March* 1868.

Ordered, That Mr. John Bright be discharged from further attendance on the Committee, and that Mr. Waldegrave Leslie be added thereto.

Wednesday, 18*th March* 1868.

Ordered, That the Report and Minutes of Evidence taken before the Select Committee on the House of Commons (Arrangements) in the last Session of Parliament, be referred to the Committee.

Tuesday, 12*th May* 1868.

Ordered, That the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to consider whether any alteration can be made in the ARRANGEMENTS of the HOUSE of COMMONS, so as to enable a greater number of Members to hear and take part in the proceedings; and to consider the arrangement of the several rooms and offices attached to the House, and the means of access to the same, with a view to the greater convenience of Members in the discharge of their duties, and how better accommodation can be provided within the precincts of the House for the transaction of Departmental Business during the Sittings of the House, by Members holding offices in the Government;——HAVE considered the matters to them referred, and have agreed to the following REPORT;

A Committee was appointed on the 25th day of June 1867, consisting with some few exceptions, of the same Members as those which form the present Committee, to consider whether any alteration could be made in the arrangements of the House of Commons so as to enable a greater number of Members to hear and take part in the proceedings.

By subsequent Order of the House during the Session of 1867, this Committee was instructed to consider the arrangement of the several rooms and offices attached to the House, and the means of access to the same, with a view to the greater convenience of Members in the discharge of their duties; and also to consider how better accommodation could be provided within the precincts of the House for the transaction of Departmental business during the sittings of the House for Members holding offices in the Government. This Committee having during the Session of 1867 examined several witnesses, and received various plans and suggestions, finally determined to report to the House the evidence they had taken, and the plans laid before them, with a recommendation that a Committee on the same subject should be appointed at the commencement of the next Session.

In accordance with this recommendation, the Committee was appointed in this Session, and proceeded immediately to take such further evidence as seemed necessary to complete the inquiry, and enable a Report to be made on the various subjects submitted for consideration.

Your Committee have reason to believe that complaints have from time to time been made of the insufficiency of the accommodation for Members in the present House of Commons, and it is a matter of notoriety that during the Session of 1867, these complaints were more loudly expressed, and assumed a more important character. The Session, however, was an exceptional one, inasmuch as in consequence of the Debates on the subject of Parliamentary Reform a much greater number of Members than usual were for successive nights desirous of obtaining seats from which they could hear and take part in the proceedings.

After, however, making due allowance for the peculiar circumstances of the particular year when this inquiry was directed, your Committee are of opinion that there are substantial grounds for the complaints that were then made, and that the present House of Commons is defective in the necessary extent of accommodation; your Committee, therefore, first considered what improvement

could be made in the arrangements of the House without disturbance of the four walls within which it is at present included.

It appeared in the first place that the columns which support the present galleries might be removed, and the galleries might, without any mechanical difficulty, be otherwise sustained, so as to render the back seats on both sides of the House more available. The seats below the Gallery, which are now allotted to Peers and distinguished strangers, might be appropriated to the use of Members, but your Committee think that it would not be possible to find suitable accommodation elsewhere for those who would be so displaced, and it is to be remembered that even the existing provision is often complained of as insufficient.

The plan marked G is a plan drawn by the architect, Mr. E. M. Barry, at the suggestion of the Chairman, to increase the number of available seats for Members desirous of taking an active part in the proceedings, by bringing the Ministerial and front opposite benches into the middle of the House, and placing the Speaker and Clerks somewhat further back than the position they now occupy.

It was after considering these several suggestions that the Committee came unanimously to the following Resolution, namely:—

> "That no increase of accommodation which can be obtained within the existing four walls of the present House of Commons will be sufficient to meet the requirements."

After having adopted this Resolution, your Committee next considered various plans for increasing the width of the present House of Commons, and after hearing the evidence of the Architect on the subject, they came unanimously to this Resolution:

> "That in the opinion of this Committee, any plan for lateral extension of the present House is tantamount to a reconstruction of the House, and cannot be undertaken without the provision of a temporary House."

Your Committee then considered suggestions that had been submitted to them for increasing the length of the House. The mechanical difficulties of such an alteration are not of the same fatal description as those which interfere with any increase in the width of the House, and it would be possible, were it deemed expedient, to lengthen the present House by throwing back the wall behind the Speaker's chair about 15 feet.

Your Committee would direct the attention of Members to the plans annexed to this Report, which exhibit the form the House would assume were it lengthened in the manner now under consideration (*see* Plan B, of the Report of 1867).

After full consideration of the plans for lengthening the House, and the objections to the proposal, your Committee came unanimously to the following Resolution:

> "That in the opinion of this Committee, it is not desirable to lengthen the present House of Commons."

Your Committee having adopted these Resolutions, proceeded carefully to examine a plan submitted to them by Mr. E. M. Barry.

It may be stated generally, concerning Mr. Barry's proposal, that the present House of Commons is neither pulled down nor injured, but on the contrary restored to the much more beautiful shape it possessed in the year 1850, according to the designs of the late Sir Charles Barry, before it was subjected to any alteration. The effect would be that the ceiling would be raised, the height of the windows greatly increased, and the true architectural proportions restored.

It is suggested that the building so restored should be used partly as a lobby for the exclusive use of Members, and partly for offices connected with the business of the House, to which it is convenient that Members should have great facility of access.

It is then proposed to take down the present dining rooms, and construct a new House of Commons on the space now occupied by the Commons Court and the dining rooms.

To complete the plan, dining-rooms for Members will have to be made on the ground floor, which will open upon the terrace, and be much more spacious than the present rooms. Your Committee think it due to Mr. Barry to give the description of his plans in his own words:—

Principle of plan.

"The principle of the plan is the increase of accommodation of all kinds, with the minimum of interference with the existing building.

New accommodation provided.

"It provides a new House of Commons, new division lobbies, a new House lobby (formed out of the existing House), a new reading and news room, new rooms for the Government, private Members, and officials, new and enlarged accommodation for the press, a new staircase to the committee-rooms, and new refreshment-rooms.

"Notwithstanding this large increase of accommodation, there would be no alteration of the leading features of the building, nor any external interference with it, except as regards the present Commons court, which is little used, and of no great importance.

"The plans show three different modes of arranging the seats in the House, marked D, D^1, and D^2. In the following description, the figures apply to plan D^1.

New House of Commons to hold 569 Members, instead of 488, as at present.

"The new House would contain 569 Members, 419 of whom are on the floor, and 330 strangers, making a total of 899 persons. The present House contains 428 Members, of whom 306 are on the floor, and 263 strangers, making a total of 691. The object aimed at has been to provide a House of compact form and arrangement, of good acoustic qualities, and fit for a place of business, without undue regard to purely architectural considerations.

"The number of Members present at the three largest divisions, in 1867, was 599, 578, and 518, on occasions of voting on the Bill for the Representation of the People.

"The width of seat provided for each Member is 20 inches, but on crowded nights less than this would probably be found sufficient, in which case the new House would accommodate upwards of 600 Members.

Form square, with corners cut off.

"The form of plan is a square with the corners cut off, forming an octagon with four long and four short sides. By this shape, the arrangement of the seats, according to English Parliamentary precedents, is secured, better than would be the case in an octagonal chamber with equal sides.

Peers' seats.

"The seats for Peers are at the bar end of the House; they will accommodate 56 persons, instead of 44 as at present.

Official seats.

At the opposite end of the House, behind the Speaker's chair, eight seats are provided for official persons, connected with the Government, to enable them to attend, and communicate with Ministers and heads of departments, when required, during the proceedings of the House.

Present House converted into a new Inner House lobby.

"Access to the new House would be obtained through the present House, converted into an inner lobby, reserved for Members only. A door at the opposite or Speaker's end of the House opens into the Members' private corridor, adjoining the libraries; corridors at each end of the House open into the Members' private corridor, adjoining the libraries; corridors at each end of the House lead to the division lobbies, which are on either side, and are about 60 feet long and 30 feet wide. In addition to the corridors, there are other doors leading direct from the House to the division lobbies.

Division lobbies 60 feet by 30 feet.

Dimensions of new House.

"The dimensions of the new House for 569 Members, are 63 feet by 63 feet, and 39 feet high, containing 154,300 cubic feet of space. The present House for 430 Members, is 68 feet by 44 feet, and 44 feet high, containing 127,000 cubic feet of space. The latter, however, has no solid floor. The floor is little more than a large iron grating, thoroughly pervious to sound. The effect of this condition can hardly be otherwise than acoustically unsatisfactory, adding as it does to the size of the House, so that the voice of a Member speaking, fills under unfavourable circumstances, not only the House itself, but also the chambers beneath it; as may be easily tested by any person placing himself in the latter during a debate. The amount of space thus added to the House is rather more than one-fifth of its area, or 27,500 cubic feet, making the area now filled by the voices of Members 154,500 cubic feet, or rather more than the cubical contents of the new House proposed for 569 Members.

Present House.

The shape of new House acoustically favourable.

"The new House is believed to be more favourably planned, acoustically, than the present Chamber, and the floor is solid, and of wood. The centre portion of the ceiling is of glass, with sloping sides of wood; this form having been adopted with a view to acoustic considerations.

Mode of ventilation proposed.

"The fresh air is introduced from below through the backs of the Members' seats, by means of double framing. This arrangement is not open to the objections frequently urged against the present system of passing air through the floor, as tending to carry upwards any dust or impurities which may exist upon it, and it has the advantage of securing a larger area for the admission of air, without rendering necessary any extensive perforation of the floor, and consequent interference with its properties as a reflector of sound. The extraction of the vitiated air would be effected through apertures in the sloping sides of the ceiling, but the centre portion would be flat and impervious.

System of lighting proposed.

"The mode of lighting the House is of great importance. The centre of the ceiling being of glass, would admit a large body of daylight, and there are six windows on the two sides of the House. These would add to the cheerfulness of the House, and would admit of being opened in summer, or at other times when desired. It would be possible to light the House at night by means of gas burners placed above the glass ceiling, as at present.

Mode of lighting adopted in present House and in Paris.

" This method has been adopted in some of the theatres recently erected in Paris; it is also in use at the present time in the Chamber of the Corps Legislatif in Paris; and by the courtesy of M. de Joly, the architect to that building, I have enjoyed the opportunity of examining in detail the very ingenious arrangements adopted by him to carry out this system, in combination with a skylight, used by day. It has the advantages of keeping all gas pipes, apparatus, and products of combustion outside the chamber, and, with a proportionate expenditure of gas, abundance of light can be obtained. On the other hand, it is somewhat extravagant, as a large amount of light is wasted, and as the glass is close to the glass, the latter becomes heated to a high temperature, causing danger of breakage, and presenting a large amount of radiating surface from which heat passes into the House. For these and other reasons, I am induced to recommend lighting a new House of Commons by means of sun-burners. To prevent glare, caused by undue concentration of light, 16 sun-burners are proposed. The pipes from the sun-burners would pass directly into the vitiated air-chamber above them, and would materially aid the ventilation of the House. This mode of lighting is now extensively used, and has great advantages for public rooms in its simplicity and effectiveness, both as regards lighting and ventilation. To prevent black shadows under the galleries, and to give additional light and cheerfulness to the lower part of the House, the back part of the gallery ceiling is made of glass, with gas lights behind it. These would be completely shut off from the House, and the products of combustion from them would be carried off by flues in the walls.

Sun-burners recommended.

The present House to be the new House lobby.

" The present House is arranged as a new reserved inner House lobby, for the use of Members only. The present sloping ceiling would be removed, and the room restored to its original handsome architectural appearance; so treated, it would form a striking and convenient entrance to the new House. In it are placed rooms for the post-office, and for the Secretary, and ex-Secretary of the Treasury, and for other purposes. One of these rooms would be available for refreshments, in place of the unsightly stall now placed in the lobby. The rooms of the Secretary of the Treasury are connected with the private room now used by the Government, and a separate staircase leads from these rooms to three additional private rooms over them, and connected with them. These rooms also possess a separate access from the exterior. A similar arrangement, on a smaller scale, is provided for the ex-Secretary of the Treasury. At the opposite end of the reserved lobby a private staircase, for Members only, leads to four private rooms at an upper level. The public approach to these rooms is by a staircase from the present House lobby, and they are suggested, with a view to meet the wishes that have been expressed, for rooms in which private Members may keep their papers, and see their constituents, or other persons on business. On the west side of the reserve lobby a new reading and news-room is provided, 68 feet long, and 23 feet wide. This is obtained by enlarging the existing division lobby, by extending the side wall over the footway below on columns and arches. The Vote-office is at the end of this room, close to the Members' private entrance, and a window of communication is provided, by means of which Members may obtain their papers without leaving the immediate neighbourhood of the House. Access to the Vote-office is also provided from the House lobby, as at present, and greatly increased accommodation is given to this department by the conversion of the present news-room into an additional Vote-office.

Rooms for Secretary and ex-Secretary of the Treasury.

Private rooms for Members.

New reading-rooms, 62 feet by 23 feet.

New and enlarged Vote-office communicating with reading-rooms.

Official rooms suggested by Mr. G. W. Hunt, M.P.

" A suggestion has been made by the Right Honourable G. Ward Hunt, M.P., for the provision of rooms for the different departments of the Government, where their boxes and papers may be kept, and where Ministers may receive their subordinates on public business. One of the private residences in New Palace Yard, now occupied by Colonel Forester, appears well adapted for this purpose. It is situated over the archways leading from New Palace Yard to the Members' private entrance, and is close to the House of Commons. The entrance and staircase are placed in the corner nearest to the House, and would furnish a private and direct access for Ministers, both to the proposed official rooms, and to the House, enabling them to visit the former on their way to the latter.

Private entrance to official rooms.

New staircases to committee-rooms, &c.

" Another addition proposed in the plan is that of a convenient staircase, placed close to the libraries, and communicating directly with the Committee-rooms on the floor above, and with the smoking-room, and proposed refreshment-rooms on the ground-floor.

New staircase reserved for Members.

" This staircase would obviate an inconvenience now often complained of, namely, the distance of the Committee-rooms from the House, by way of the public staircase. The new staircase would be reserved for Members, and would thus give to them a private and direct approach to the Committee-rooms; and as it would be in a central position, between the House and libraries, it would doubtless be found a great convenience

New refreshment-rooms on a larger scale.

" The present refreshment-rooms have been much complained of, as insufficient to meet the growing demands of Members. Their enlargement has been recommended by Committees, and plans for this purpose have been under the consideration of successive Governments. A proposal has been made to appropriate the conference room, and the rooms adjoining it, as refreshment-rooms for both Houses, served from a common kitchen. There would be many advantages in such an arrangement; but in consequence of its depriving the House of Lords of accommodation at present enjoyed by their Lordships, it has hitherto been considered impracticable. As an alternative, it is therefore now proposed to remove the refreshment-rooms altogether from their present position, and place them on the ground floor, on a line with the present smoking-room, and level with the river terrace. It is also proposed to carry out a similar arrangement as respects the refreshment-

rooms of the House of Peers, and to concentrate the whole refreshment department at the New Palace under one management, with a central kitchen and offices, in the centre portion of the river front. The Commons' refreshment-room, 72 feet by 42 feet, with an area of 3,024 square feet, is on the north side, close to the Members' smoking-room; and the Peers' refreshment-room, which would be quite distinct, is in a corresponding position on the south side. The present public dining-rooms adjoin these rooms, and four private dining-rooms are also proposed for the use of Peers, or Members, and their friends. The kitchen and offices are on the basement story, and the only external alteration proposed is the substitution of three-light windows for the present windows of two lights, so as to gain additional light and air. The present Commons' refreshment-rooms are 104 feet by 19 feet, with an area of 1,976 square feet, and the new refreshment-room would therefore give an increase of more than 50 per cent. in accommodation.

Close to the present smoking-room.

Present public dining-rooms part of plan.

"A large increase in the accommodation of the Press is provided. At present, the reporters have 19 seats in the front row of the gallery, and a similar number in the second row. The new House provides 22 seats in the front and 22 in the second row. The gallery is placed at the back of the Speaker, as at present.

Accommodation for public press.

"A private approach to the gallery is obtained by the present reporters' staircase and corridor, the latter being prolonged towards the river front. The reporters'-room on the ground floor, and the ante-room at the top of the stairs, remain as at present, but the latter would only be used as a waiting-room for messengers, &c.; on each side of the corridor, rooms are devoted to the reporters as follows:—three good and well-lighted rooms for writing and copying, 32 feet by 18 feet; 28 feet by 11 feet; and 28 feet by 11 feet; a refreshment-room, 25 feet by 18 feet; a hat and cloak room, 18 feet by 11 feet, and other accommodation. A corridor at the back of the gallery gives access to the latter, and at the end of the corridor a room is provided as a reference library, the advantages of which have been dwelt on by the representatives of the reporters before the Committee.

Present reporters' entrance and stairs unaltered.

Three well-lighted writing-rooms.

A refreshment-room.

A reference library.

"To meet another suggestion of those gentlemen, two private galleries, to hold 14 persons, are arranged close to the reporters' gallery, but separate from it, and with a distinct access from the reporters' corridor, for the use of editors and leader writers, whose presence in the gallery, under existing arrangements, is complained of by the reporters as tending to interrupt them in the discharge of their duties. In order to obtain sufficient height for the refreshment-room and one of the writing-rooms, it is proposed to raise the floor of two private rooms over them, which can be done without inconvenience.

Private galleries for editors and leader writers.

"Under the proposed arrangements, no necessity would exist for the use by the reporters of Committee-room No. 18, as at present. All their accommodation is compactly arranged, close to their gallery, and they would not need to pass on to the upper floor, or penetrate further into the building. Subjoined is a tabular statement, showing the present and proposed accommodation for this department.

No necessity for use of Committee-rooms by reporters under the new arrangements.

REPORTERS' ACCOMMODATION.

NEW HOUSE.		PRESENT HOUSE.	
Gallery seats, front row - - 22		- - - - - 19	
„ second row - - 22		- - - - - 19	
	44		38
Editors and Leader Writers, in separate galleries.	14	- - - - - -	nil.
TOTAL - - -	58	TOTAL - - -	38
	Area, square feet.		Area, square feet.
Ante-room for Messengers - 26 × 10	260	26 × 10 - - - -	260
Ground-floor Room - - 21 × 13	273	21 × 13 - - - -	273
Writing Room - - - 32 × 18	576	26 × 14, with lobby taken out of it.	314
Second ditto - - - 28 × 11	308	14 × 10 - - - -	140
Third ditto - - - - 28 × 11	308	14 × 10 - - - -	140
Reference Library - - 30 × 11	330	- - - - - -	nil.
Refreshment Room - - 25 × 18	450	- - - - - -	nil.
Hat and Cloak Room - - 18 × 11	198	- - - - - -	nil.
TOTAL, Square Feet - - -	2,703	TOTAL, Square Feet - -	1,127

"The present reporters' entrance and staircase remain unaltered.

"The ladies' gallery is placed over the reporters' gallery, as at present, and it is approached by the stairs now used, access to which is provided through the Speaker's Court. It is divided into three compartments, as at present, and each of the two end galleries has a small retiring-room behind it. The width of the three present galleries is 38 feet, and that of the new ones is 33 feet, which, allowing two rows of chairs, will afford space for

Ladies' gallery.

Two additional private galleries.

for 42 ladies. A few ladies are at present admitted at the opposite end of the House, and the new plan shows two private galleries answering to those devoted to editors and leader writers. These galleries hold 14 persons, and one or both of them might be allotted to ladies if desired.

No temporary House necessary.

"No temporary House would be rendered necessary by the adoption of the plan. The works being all external to the present House, could be carried on independently of it, and the present House could be used until the new House should be finished.

Table of accommodation.

"The subjoined Tables show the comparative accommodation of the present, and proposed House of Commons, according to the several modes arranging the seats, marked D, D1, and D2.

"21, Abingdon Street, February 1868. "*Edward M. Barry.*"

TABLE I.—HOUSE OF COMMONS ACCOMMODATION.

PLAN D.

	PRESENT HOUSE.		NEW HOUSE, PLAN D 2.		GAIN.	LOSS.
Members on floor	306		391		–	–
Ditto in gallery	122		150		–	–
		428		541	113	–
Peers and Strangers on floor		44		56	12	–
Officials on floor (Speaker's end)	–	–		8	8	–
Peers and Diplomatic Gallery		21		20	–	1
Speaker's Gallery		43		56	13	–
Strangers' ditto		60		76	16	–
Reporters' ditto		38		44	6	–
Editors' Boxes	–	–		14	14	–
Ladies' Gallery, north end	49		42		–	–
Reserved Gallery, south end	8		14		–	–
		57		56	–	1
		691		871	182	2

Total gain - - - - - 180.
Gain of Member's Seats - - 113.

TABLE II.—HOUSE OF COMMONS ACCOMMODATION.

PLAN D 1.

	PRESENT HOUSE.		NEW HOUSE, PLAN D.		GAIN.	LOSS.
Members on floor	306		419		–	–
Ditto in gallery	122		150		–	–
		428		569	141	–
Peers and Strangers on floor		44		56	12	–
Officials on floor (Speaker's end)	–	–		8	8	–
Peers and Diplomatic Gallery		21		20	–	1
Speaker's Gallery		43		56	13	–
Strangers' ditto		60		76	16	–
Reporters' ditto		38		44	6	–
Editors' Boxes	–	–		14	14	–
Ladies' Gallery, north end	49		42		–	–
Reserved Gallery, south end	8		14		–	–
		57		56	–	1
		691		899	210	2

Total gain - - - - - 208.
Gain of Members' Seats - - - 141.

TABLE III.—HOUSE OF COMMONS ACCOMMODATION.

PLAN D 2.

	PRESENT HOUSE.		NEW HOUSE. PLAN D. 2.		GAIN.	LOSS.
Members on floor	306		403			
Ditto in gallery	122		140			
	—	428	—	553	125	–
Peers and Strangers on floor		44		56	12	–
Officials on floor (Speaker's end)	-	-		8	8	–
Peers' and Diplomatic Gallery		21		20	–	1
Speaker's Gallery		43		56	13	–
Strangers' ditto		60		76	16	–
Reporters' ditto		38		44	6	–
Editors' Boxes	-	-		14	14	–
Ladies' Gallery, north end	49		42			
Reserved Gallery, south end	8		14			
	—	57	—	56	–	1
		691		883	194	2

Total gain - - - - - 192.

Gain of Members' Seats - - - 125.

With respect to the very important question of the probable expense of these alterations, Mr. Barry has stated in evidence, that the whole might be done for 120,000 *l.*

In the course of the inquiry a suggestion was made that, in addition to the staircase shown on Mr. Barry's plan, a larger and more important staircase should be constructed in the middle of the building, leading from the Central Hall to the Terrace and Dining Rooms. The additional expense of this staircase, would be from 2,000 *l.* to 3,000 *l.*

Your Committee have endeavoured to obtain the best information that could be procured upon the difficult subject of acoustics, and they would direct the attention of Members to the evidence of Professor Tyndal and Dr. Percy.

Your Committee have had the advantage of considering the plans and particulars of the Legislative Chambers of Paris, Washington, Berlin, Vienna, Florence, Brussels, and Ottawa and they would direct the attention of Members to the drawings of these Chambers annexed to this Report.

One general observation may be made on these Houses of Assembly, namely, that they are all, or nearly all, made upon the assumption that a tribune would be used by anyone speaking in them. If this plan were adopted by the House of Commons, the difficult question of acoustics would be much more easily solved, and a very much larger building recommended without fear of inconvenience.

Your Committee, however, believe that such a change is open to serious objection, and would not be in conformity with the wishes of the House. They therefore do not recommend any change in the existing practice of every Member addressing the House from the place where he sits.

Your Committee, after having examined these various plans, and carefully considered the proposals of Mr. Barry, came unanimously to the following esolution:—

> "That an increase of accommodation for Members can be obtained in the most satisfactory manner, and without involving any interruption of the Proceedings of the House, by the erection of a new Chamber in the Commons' Court."

PROCEEDINGS OF THE COMMITTEE.

Monday, 8*th March* 1868.

MEMBERS PRESENT:

Mr. Cowper.	Mr. Baillie Cochrane.
Sir C. Lanyon.	Mr. Headlam.
Mr. Hankey.	

Mr. HEADLAM was called to the Chair.

The Committee deliberated.

[Adjourned till Thursday next, at One o'clock.

Thursday, 12*th March* 1868.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Mr. Waldegrave-Leslie.	Mr. Hankey.
Sir C. Lauyon.	Lord John Manners.
Mr. Darby Griffith.	Mr. Cardwell.
Mr. Bazley.	Lord Cranborne.
Mr. Baillie Cochrane.	Sir F. Heygate.
Mr. W. Cowper.	

Mr. *Edward M. Barry* examined.

Motion made, and Question, "That no increase of accommodation which can be obtained within the existing four walls of the present House of Commons will be sufficient to meet the requirements"—(Mr. *Hankey*)—put, and *agreed to.*

Mr. *Ayrton*, a Member of the House, examined.

Mr. *E. M. Barry* further examined.

Motion made, and Question, "That in the opinion of this Committee any plans for lateral extension of the present house is tantamount to a reconstruction of the House, and cannot be undertaken without the provision of a temporary House"—(Viscount *Cranborne*)—put, and *agreed to.*

[Adjourned till Monday next, at One o'clock.

Monday, 16*th March* 1868.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Mr. Hankey.	Lord John Manners.
Lord Elcho.	Mr. Darby Griffith.
Sir C. Lanyon.	Mr. Waldegrave-Leslie.
Mr. Bazley.	Mr. Cardwell.
Mr. Beresford Hope.	Viscount Cranborne.
Mr. W. Cowper.	

Dr. *Percy* and Professor *Tyndall* severally examined.

The

The Committee deliberated.

Motion made, and Question, "That in the opinion of this Committee it is not desirable to lengthen the present House of Commons"—(Mr. *Beresford Hope*)—put, and *agreed to.*

[Adjourned till Monday next, at One o'clock.

Monday 23*rd March* 1868.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Lord John Manners.	Mr. Waldegrave-Leslie.
Mr. W. Cowper.	Mr. Baillie Cochrane.
Mr. Darby Griffith.	Mr. Beresford Hope.
Mr. Bazley.	Viscount Cranborne.
Sir C. Lanyon.	Lord Elcho.
Mr. Hankey.	

Mr. *E. M. Barry* further examined.

Motion made, and Question, "That an increase of accommodation for Members can be obtained in the most satisfactory way, and without involving an interruption of the proceedings of the House, by the erection of a new chamber over the Commons Court"—(Mr. *W. Cowper*)—put, and *agreed to.*

[Adjourned till Monday next, at Two o'clock.

Monday, 30*th March* 1868.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Sir Frederick Heygate.	Mr. Baillie Cochrane.
Mr. W. Cowper.	Mr. Waldegrave-Leslie.
Mr. Darby Griffith.	Mr. Hankey.
Mr. Beresford Hope.	Lord John Manners.
Sir Charles Lanyon.	

Mr. *Edward M. Barry* further examined.

Mr. *Henry Dunphy* and Mr. *James Mould* severally examined.

Mr. *Edward M. Barry* further examined.

[Adjourned till Tuesday 5th May, at One o'clock.

Tuesday, 5*th May* 1868.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Mr. Tite.	Lord Elcho.
Lord John Manners.	Sir Charles Lanyon.
Mr. Beresford Hope.	Mr. Hankey.
Sir Frederick Heygate.	Mr. Baillie Cochrane.
Mr. Darby Griffith.	Mr. Waldegrave-Leslie.
Mr. Cardwell.	

The Committee deliberated.

Mr. *Edward M. Barry* further examined.

[Adjourned till Tuesday next, at One o'clock.

Tuesday, 12th May 1868.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Lord John Manners.	Sir F. Heygate.
Mr. Darby Griffith.	Mr. W. Cowper.
Mr. Baillie Cochrane.	Mr. Tite.
Sir C. Lanyon.	Mr. Hankey.
Mr. Beresford Hope.	

Draft Report proposed by the Chairman, read a first and second time, amended, and *agreed to.*

Question, That this Report, as amended, be the Report of the Committee to the House, —put, and *agreed to.*

Ordered, To Report, together with the Minutes of Evidence and Appendix.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

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MINUTES OF EVIDENCE.

Thursday, 12*th March* 1868.

MEMBERS PRESENT:

Mr. Bazley.	Mr. Hankey.
Mr. Cardwell.	Mr. Headlam.
Mr. Baillie Cochrane.	Sir Frederick Heygate.
Mr. Cowper.	Sir Charles Lanyon.
Viscount Cranborne.	Lord John Manners.
Mr. Darby Griffith.	Mr. Waldegrave-Leslie.

THE RIGHT HON. T. E. HEADLAM, IN THE CHAIR.

Mr. EDWARD M. BARRY, A.R.A., called in; and Examined.

Mr. *E. M. Barry*, A.R.A.

12 March 1868.

1. *Chairman.*] YOU produce a sketch of a proposed alteration of the arrangements within the House, do you not?—Yes; I produce a sketch which you were kind enough to propose to me (*producing the same*), and I also produce a plan of the same proposal, drawn out carefully to scale (*producing the same.*)—(*The latter was handed in.* Vide *Appendix.*)

2. I think you told the Committee last year that there would be no difficulty in removing the columns which at present support the gallery; is not that the case?—There would be no practical difficulty.

3. So that to whatever extent the removal of those columns will improve the internal arrangements of the House, that can be done?—That can be done.

4. In addition to that, this sketch, I think, is based upon the principle of having the Ministerial benches in the centre of the House?—That is so.

5. That gives 20 seats for Ministers, and 20 for ex-Ministers, does it not?—Yes.

6. And according to your scale, it gives accommodation for 317 Members upon the floor?—It does.

7. As against 306?—Yes, as against 306 as at present.

8. But that increase of 11 is obtained by a diminution of the accommodation for Peers to the extent of eight seats?—Yes.

9. Do you think it would be possible by any other arrangement to increase the accommodation within the walls of the existing House upon the area floor?—I do not; I should add that in that plan some of the gangways appear to me too restricted. If they were enlarged that would, of course, be at the expense of the Members' seats.

10. With respect to the galleries above, would there be any difficulty in making the back seat of the gallery rather higher than it is at the present moment?—No, it is raised at present considerably above the front seat.

11. Is there any other suggestion that you can make for improving the arrangements within the House, either on the area floor, or on the upper floor?—No, I am not aware of any.

12. Mr. *Waldegrave-Leslie.*] In doing what has been just suggested, would you raise the upper seat in the side gallery, or would you have to lower the lower seat?—We should have to raise the back seat, and put the lower one in front.

13. Lord *John Manners.*] I understand you to say, that by this plan, suggested by the Chairman, eight seats would be lost in the Peers' benches?—Yes, eight seats would be lost in the Peers' box.

14. Do you propose to recoup that loss in any way?—I see no possibility of doing so. The plan is not mine, but it was drawn out at the suggestion of the Chairman.

15. Mr. *Cowper.*] The additional accommodation provided by this plan arises, I think, from substituting two gangways for three gangways, and from diminishing the space at the bar?—Yes, that is so. It would consequently crowd the other gangways more, and therefore they ought by rights to be increased as I have already suggested.

16. Mr. *Baillie Cochrane.*] To obtain that small

Mr. *E. M. Barry*, A.R.A.

12 March 1868.

small additional number of feet, you take away all the Peers' seats, do you not?—Not all the Peers' seats; I take away eight seats from the Peers.

17. Mr. *Cowper.*] What space would be given in the centre of the floor for Members to pass between the two tables?—Four feet, or four feet six.

18. Do you think that that would be sufficient for convenience?—I am afraid it would be rather narrow.

19. Would not the passage of Members so near the Treasury bench be found an inconvenience by interrupting the proceedings?—I should think not more so than at present.

20. But as by the plan before us there would be one gangway less, it would become more necessary for Members to pass up the middle of the House than it is at present, when they can reach their seats by the two gangways at the two ends of the House; is not that the case?—That is undoubtedly so.

21. Lord *John Manners.*] Have you turned your attention to what would be the effect upon the business of the House, especially when the House is in Committee, of the proposed arrangement of having the Ministers' benches moved into the centre of the House, so that the Speaker and the clerks at the table would be separated from them by some distance?—I should doubt its being as convenient, particularly when the House is in committee.

22. Mr. *Darby Griffith.*] Do you conceive that the accommodation contemplated by the appointment of this Committee could be afforded at all within the limits of the present House, that is to say, within the four walls, as they are at present?—I do not think it possible.

Mr. Acton Smee Ayrton, a Member of the House, was called in; and Examined.

Mr. *A. S. Ayrton*, M.P.

23. *Chairman.*] I believe you have some suggestions to offer to the Committee upon the subject of their inquiry?—What I am anxious to urge upon the Committee is the expediency of carrying the staircase, which is now at the entrance of the dining-hall, to the floor of the committee-rooms, so as to connect it with the corridor of those committee-rooms, in order to save the Members the inconvenience of being compelled to go round by the public staircase whenever they wish to communicate with the House or with the library.

24. Where would you have the staircase come down from this floor?—I would continue the staircase which now exists, from the dining-room to the smoking-room, by carrying it up the same space.

25. Mr. *Waldegrave-Leslie.*] Up the same shaft?—Yes, continuing the shaft upwards.

26. *Chairman.*] Where would it come out; would it come out in this gallery?—It would come out at the cross passage that you have near this committee-room.

27. At the present cross passage?—Yes, at the existing cross passage which leads into the corridor. (*The Witness explained his suggestion upon a Plan.*)

28. Mr. *Hankey.*] How would that communicate with the House?—It would enable the Members to go from the public committee-rooms, indeed from all the committee-rooms, by a staircase of their own, into their present corridor, leading to the House.

29. Mr. *Waldegrave-Leslie.*] And the library?—Yes; of course it would be a still greater convenience if a private connection were made between that point and the lobby of the House, whether the same House existed, or it were rebuilt in the same position, only larger; you would then be able to connect that staircase directly with a private entrance into the House; I was also desirous of suggesting whether if the plan which I suggested formerly, of having the dining rooms composed of the conference-room, and the two rooms on each side, for the two Houses of Parliament, could not be carried out, it would not be desirable that the two libraries of the House of Commons, which are at the side of the present dining-rooms, should be converted into the dining-rooms for the Members, and the library be extended on the right-hand side of the centre room, so as to embrace the tea-room and the conference-room into the House of Commons library; that I think would be an immense improvement upon the present state of things, assuming, of course, that the House of Lords were not willing to join in any joint arrangement for a system of dining-rooms.

30. Mr. *Hankey.*] Would not that bring the dining-rooms into immediate contiguity with the Speaker's part of the library; I believe the Speaker has an entrance from his house into the library?—Into a room of the library.

31. Into one of the library rooms, which is open to Members at other times, is it not?—I think I never saw anybody in it, or desiring to go into it; it is there, and it may be part of the public library; I do not propose to touch that room, one way or the other; it would remain just as it is; I should take in the two rooms that are parallel to the present dining-rooms; the advantage of taking these two rooms would be that all the kitchen arrangements which are under the present dining-rooms, would serve without any change for the new dining-rooms.

32. Lord *John Manners.*] Are you aware of the reasons which compelled the abandonment of your plan with respect to the conference-room, and the committee-room next to the conference-room?—I have only heard two reasons suggested; one, that it would be desirable to preserve the conference-room; but I do not think that that is a reason which can prevail in the consideration of the question, because we have put an end to the practice of holding personal conferences, and none has taken place, I think, for several years past. I believe I am right in saying that there has not been a personal conference between the Members of the two Houses for several years, and if it were desirable to have a conference, I think the large room which has been finished now, with the picture of Moses in it, would be quite suitable for the possibility of holding a conference. I think in the arrangements of the House we should consider what are the general and usual wants of the House, and not make them subordinate to something that is very exceptional, something that may happen once in a year,

year, or once in two years, or once in five years

33. Have you heard that the House of Lords have been in the habit of using the conference-room as a committee-room, to which they attach great importance?—I think that the House of Lords have other rooms which they can use as committee-rooms if they desire it; for instance, the Railways Commission sat in a committee-room of the House of Lords throughout a whole Session; and if the Lords really wanted committee-rooms, they could just as easily have used the room that the Railways Commission used, as the conference-room.

34. You are aware, however, that they have been in the habit of using the conference-room as a committee-room, and that they are very reluctant to give it up?—I have heard that it has been used, and I have seen it, I think, sometimes used as a committee-room; but I am not aware that they have any particular claim to use the conference-room as a committee-room, if they have sufficient space in their own House, and if that room is necessary for the greater convenience of the House of Commons.

35. *Chairman.*] Can you make any other suggestion to the Committee upon any other point?—Some years ago I suggested, before Westminster Bridge was finished, the expediency of having a subway under the approach to Westminster Bridge, so as to get into New Palace Yard without crossing the road. I see no reason why that should not be done, now that the Thames Embankment is so far advanced that it could be carried out on the other side, and I think it is extremely desirable that it should be made as soon as possible, before anything further is done with the Thames Embankment. The staircase to the Embankment has been finished, and the filling up of that portion of the Thames Embankment which is close by Westminster Bridge has also been finished, and I think that the subway might be carried out now without any inconvenience; and I think this is the proper time to do it, before the Metropolitan Board of Works make any further arrangements for laying out the land on the other side of Westminster Bridge.

36. With respect to the House itself, can you give us any assistance or advice?—I think it would be very important, in considering the question, that we should have chief regard to what are the ordinary proceedings in the House, and that, if possible, the arrangements should be adapted to the ordinary use of the House, rather than to its extraordinary use on very special occasions. As far as my observation goes, I doubt very much whether 15 hours in the whole Session are occupied in the House, when it is necessary to give accommodation for a greater number of Members in the body of the House than are now accommodated. I am speaking now, of course, with regard to the present House of Commons. I do not know whether any change will take place consequent upon the change in the constitution of the House, but I do not see myself why any change should take place.

37. Your opinion is not in favour of any material change being made in the House, assuming the average attendance in the House to remain the same as it has been?—I am not in favour of any great change, on account of the very great difficulty that must always exist of any one being heard, if you adhere, as I think the House always will, to the rule of Members speaking from their places. Of course if Members spoke from a rostrum they could be very easily heard in a very much larger house than the present, but while each Member has to speak in his place, a difficulty arises in the present House, that Members who wish to take part in a debate, or to hear very well, desire to get into what may be called the centre of the House. That shows the difficulty of either speaking on the one hand, or being heard on the other, at the more remote parts of the House. If that were not so there would not be the great anxiety there is now to get into the centre part of the House. I think if you enlarged the House very much, you would not in the least get over that difficulty, because there would be just the same rush to get into the centre of the House; in fact there would be a much greater rush to get into the centre of the House then, because Members in the extreme parts of the House would, for all purposes, find themselves in a more difficult position than they do now.

Mr. *A. S. Ayrton*, M.P. 12 March 1868.

38. When the rush takes place for seats in the House, do you think that that rush is rather on the part of Members who wish to get particular seats from which they can hear what is taking place, and from which they can address the House, than on the part of Members who merely want to obtain a seat?—When there really is a great rush it is on occasions when the Members wish to hear some great speech, but those occasions are very few in the course of the Session. Of course, we know that the number of Members who actually take part in any business is comparatively small; therefore, the difficulty with them naturally is that those who come there merely to hear, and to have an agreeable seat to hear, take possession of that part of the House which would be more conveniently occupied by those who wish to speak.

39. Is not it the case that several Members come down a considerable time before prayers for the purpose of obtaining particular seats?—Yes, but those particular seats are seats which are as near as possible to the centre of the House; that is the general object. I think nobody goes into the House to take a seat at a remote part of it; the object is to crowd into the centre. There are some Members who have nothing to do probably, who go there at a very early hour and take possession of those very central seats.

40. Supposing all the seats in the House were made more available, that is to say, supposing the House were so arranged that in pretty nearly every portion of the House a Member could hear what was going on, do you not think that that would diminish the competition that now takes place for seats?—If you could make every speaker well heard from remote parts of the House it might diminish the competition to some extent, but the difficulty is to do that in the House of Commons. The ventilation is carried on from the floor to the ceiling, and so long as that is so there must be a very strong up-cast draught in the House of Commons; when that draught is considerable, as it is when the House is very full, it is very difficult for people who have not very powerful voices to be heard in all parts of the House. In buildings constructed with a stage or a rostrum, the ventilation is generally

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generally subsidiary to the speaker; the draught is from the stage to the audience, or from the rostrum or the place where the rostrum is generally, to the audience, and that carries the sound; but in the House of Commons you have a ventilation which is straight up through the House, and every one is obliged to speak from his own particular place.

41. Do you think it would be a good thing if there was a rostrum in the House?—I think not; I think it would be a great misfortune to the House of Commons if such a change were made.

42. Supposing, without there being a rostrum, that this change were made, that on each side of the House one particular seat, in a good situation, were held to be privileged, and that any Member whose name was down upon the Speaker's list for a motion should have the privilege of occupying that seat if he wished, do you think that that would be found to be an advantage by Members who had business to bring forward?—I am not myself in favour of any rules of that kind; I think it is better to preserve the character of the House, which I think depends mainly upon courtesy. If you substitute for that courtesy rigid rules, I think you will not improve the character of the House; and what you propose would practically convert the seat into a rostrum. I think, perhaps, in the rigid rule that we have laid down of taking a seat for a night, we have rather injured the character of the House. Even by giving by a specific rule what may be called a legal right to a particular seat, we have, I think, deteriorated the courtesy of the House, as compared with what I imagine prevailed formerly; I believe if the thing were left more to good feeling there would not be the same tenacity of seats, and by a general understanding if a person wished to speak he would always find a place to do so; practically, I have always found a place. I never, or very rarely, take a seat myself; one can generally get a seat by courtesy when one wants to speak.

43. Mr. *Darby Griffith.*] Therefore, having that Parliamentary privilege by courtesy, you are not perhaps so good a judge as other Members may be of the difficulty that may occasionally occur in finding a seat?—There may be a difficulty occasionally in finding a seat, if you merely want to sit as compared with anybody else who wants to sit; but I do not think that that difficulty exists if you wish to take a part in the business of the House. I do not see why anybody should want a seat in preference to anybody else, if it is merely for his convenience of listening.

44. You have mentioned what is, no doubt, in accordance with the fact, that by the courtesy of the gentlemen surrounding you, you have never found any difficulty in finding a seat?—I have not found any difficulty when I wished to take a part in the business of the House, but I do not say that I have never found a difficulty in finding a seat; but I do not see any inconvenience in sitting in the remotest corner of the House if I do not want to take a part in what is going on.

45. Other less distinguished Members we will say, for the sake of argument, might find a difficulty which has not occurred in your own personal experience?—It is not my own personal experience only that I am speaking of, but my experience generally, my own observation I should rather say; I have never observed that when a Member wishes to take part in the business of the House, he has been prevented from so doing by the want of getting some convenient seat; it may, perhaps, not be the particular seat he wishes, but some seat convenient enough for his purpose.

46. Do you think that, as a matter of fact, it is, as a rule, easy for a Member wishing to take part in the business of the House, to find a seat in the House?—There are, of course, occasional difficulties, as I have stated, that arise from the rigid rule we have made, that everybody has a right to his seat for the night; I think when it was left more at large, the courtesy was greater in that respect, because there was necessarily more forbearance for Members, but there may have been occasions when one has been put to inconvenience. I speak generally, and as a matter of observation; it does not arise frequently, but it may have arisen.

46.* Mr. *Hankey.*] When you spoke of taking part in the business of the House, you alluded to speaking?—Yes, of course.

47. Do you not think that there are a great many Members who wish to be present, and listen and attend actively to the business going on in the House who may not wish to speak, but still wish to have a place where they can comfortably attend to the business that is going on?—Undoubtedly there are.

48. Is not there a practical inconvenience then felt by a great number of Members, who, without wishing to speak, still wish to listen and attend to what is going on in the House, in finding anything like a regular place?—I have no doubt there is.

49. You think that it is not desirable that a Member should have a regular place?—You mean that each Member should have a particular place assigned to him.

50. Not by a fixed rule, but by courtesy, if he chooses it?—I do not attach any great value to every Member having a particular place.

51. I think since you have been a Member of the House you have always had a seat, where you were practically always to be found when any business was going on in the House?—When any business is going on in which I am desirous of taking a part, as I said, I have generally found that I can get a seat when it is convenient to have one, not otherwise.

52. There is scarcely any night on which you do not take an active part in the business of the House, is there?—I should say there are a great many occasions; I generally sit where I see a vacant seat; I do not think the place is of the least consequence when I am merely listening to a debate.

53. Practically, you are always to be seen if you are in the House, in the place where you usually sit?—That is very true; when I am there for any purpose, I am generally to be found in a particular part of the House, but I think that when I am not there for a particular purpose, I am generally sitting where I find there is a convenient seat.

54. Do you not believe that there are a great many Members, such as Mr. Mill, for instance, who takes a great interest, and a very active part, and speaks a great deal in the House on every kind of business going on in the House, who find it a practical convenience to have what may be called an established seat, a seat where they can ordinarily find a place?—I suppose so, or else they would

would not take the trouble to come there in time to get it.

55. Lord Cranborne and Lord Hotham and other Members like them, who may not be constant speakers, or join in every debate, still find it practically a convenience and a comfort to have an established seat?—No doubt.

56. Do you not think that it is desirable in any arrangement, that that should be carried out as far as practicable?—It would be very desirable, but I do not see how you can accomplish it by enlarging the House, because there would be the same eagerness; and in fact the larger the House the greater would be the eagerness to get into the central part of it, I think.

57. But the central part would be comparatively enlarged. If the House was enlarged there would be a greater number of seats that would be available for Members who wished to hear what was going on?—Undoubtedly; but if Members came into the House and found places vacant, they would naturally go to the point nearest the centre, and take a seat.

58. There are a great many Members who, in the middle of the Session, are engaged actively in the Committee work of the House. The Committees, who are engaged in what may be called one of the most important duties of the House, break up at four o'clock, and at that time when the Members of those Committees go into the House, those very Members who are actively engaged in the business of the House, frequently find every seat taken if there is any business going on. Do you not think that that is an inconvenience which ought, if possible, to be well considered and remedied if practicable?—I have constantly felt that inconvenience myself, but I do not see any remedy for it unless you were to make some distinction between Members, which could not be entertained because you could not allow a Member of the House to bespeak for himself throughout the Session a particular seat. I see no other mode by which you could get over the difficulty.

59. But, practically, the number of Members who wish to take a part either in speaking or in attending regularly to the business of the House, is limited to a moderate proportion of the whole House, is not it?—Undoubtedly.

60. Do you think that the present accommodation is sufficient for those Members who desire to take a part in, and attend to, the business of the House?—I think it is quite sufficient for that purpose.

61. Lord *John Manners.*] That habit and desire to which you have alluded on the part of Members to get into the centre of the House probably would depend a good deal upon the disposition of the seats, would it not?—Yes.

62. That is to say, if the disposition of the seats is longitudinal, there would be that disposition to get into the centre?—Yes.

63. But supposing the disposition of the seats were hexagonal or octagonal, that desire to get into the centre of the House would hardly exist, would it?—Relatively to the centre I think the desire would be the same, only you would have a great many more seats which would be equidistant from the centre, and, therefore, that feeling would be more easily met.

64. Supposing it was thought advisible to reconstruct the House, the difficulty to which you have alluded might be, if not altogether got rid of, greatly obviated by the arrangement of the seats, might it not?—It might no doubt under those circumstances, but of course you would have to consider, in any arrangement of the House, the mode in which the Members wish to act with reference to the Government or the Opposition.

65. *Chairman.*] Have you considered the question of the elongation of the House?—Yes; I think it would be very difficult to lengthen the House, and at the same time relieve any objections that are raised to the present state of things. I have generally observed that there is an indisposition on the part of Members to speak from any place, I should say, further than fourth from the gangway, between the Government bench and those who sit below the gangway, except on the front bench, where they speak to the end. As regards the second bench, and the benches behind, I have seen that if a member wishes to speak, he intuitively, as it were, advances himself; he asks Members to make way for him to come more into the House; he evidently feels that, unless he does so, he will be at too great a distance from the Speaker, and from the body of the House. As a rule, I have constantly observed, that if Members are sitting further from the gangway than perhaps the fourth or fifth seat, they invariably pass up, and a way is made for them, so that they take a seat for the purpose of speaking, certainly not more than fifth, and generally third or fourth from the gangway. From that I infer, that for all practical purposes the House is quite as long as it can be for convenience.

66. At this present moment, the seats at the end of the House, towards the place where the Serjeant-at-Arms sits, are not available either for hearing, or for taking part in the proceedings?—It is very difficult to hear if the House is full, unless the Member who is speaking happens to have an extremely good voice, when you sit at the corner. There is no doubt, in fact, that at the present time the House of Commons presents such difficulties to being heard, that a great many Members are almost unable to address the House in consequence of the difficulties of making themselves heard.

67. So that you would not recommend any elongation of the House?—No.

68. If any increase is to be made to the House, you would prefer that it should be made laterally, rather than longitudinally?—I think, undoubtedly, it would afford much greater facilities for a larger number of Members being heard to increase it in breadth, than to increase it in length. Of course it would be better to have it built upon the circular principle suggested by Lord John Manners for that purpose.

69. Would not the circular principle be difficult to arrange with the division lobbies, and the other rooms round the House?—When I say the circular principle, I speak of the general principle, including a hexagon, or an octagon, or a circle. The principle is precisely the same in either of those cases. I think more might be done even if the House remained as it is on certain occasions when there is a great attendance, for instance, on the Budget nights. I do not see why some temporary accommodation should not be given; for instance, if Members were enabled to sit in the gangways. I do not see why the whole floor of the House should be left

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vacant on an occasion like that, when a great number of Members are going to sit still, and when there is going to be no movement in the House for three or four hours. I think considerably greater facility might be given in that way for Members sitting comfortably in the House; of course they would not be wanting to move about.

70. Mr. *Hankey.*] Would you propose that the arrangement of the House should be something similar to the arrangement of the House of Lords, so that there might be benches temporarily brought in and put across the open part of the floor; I will say three or four benches?—That is my view; I think that some such arrangement might be made as you see adopted in churches that are very much crowded, for drawing out an additional seat into the gangway, so that persons who could not find room elsewhere could sit there. It is true the number of seats so afforded altogether would not be very great, but it is an addition, and as on all those occasions the House remains quiet, and there is no movement in the House, I think no inconvenience would result, but a certain convenience would be afforded.

71. Lord *John Manners.*] Would you place those seats in the centre, or would you range them sideways below the gangway?—I think they might be put either way, leaving a small space for a person to go out and come in; that space need only be small, for really the number of persons who wish to go out upon an occasion of that sort, such as the last hour or two at the conclusion of a great debate, is very small indeed; it is a mere case of an accident when a person goes out.

72. Mr. *Hankey.*] Except at half-past eight o'clock?—Then you would remove a seat of the sort I allude to; it is really no trouble to do anything of that kind.

73. *Chairman.*] According to the plan before you, there is no substantial increase in the amount of accommodation afforded, but the important alteration is, that the Ministers are brought into the centre of the House, and a larger number of Members are thereby brought within reach of that part of the House where the practical business takes place; do you think that that would be an advantage?—It would not be so convenient an arrangement, I think, as at present, for several reasons; I think it is very desirable that the occupants, both of the Ministerial and of the ex-Ministerial benches should be able to slip in and out of the House as they now do, at the back, behind the Speaker's chair. They are very often called out for a moment or two if Members wish to speak to them; and they have official communications to make, and if they came from the body of the House, as they would by the arrangement in the plan before me, it would be a greater interruption. Then, again, I think all this part of the House, behind the Speaker, would be practically out of the House for any purpose of business.

74. Do you observe that the Speaker is put rather back in that arrangement than he is at the present moment?—I did not observe that. Of course if he were put further back, the inconvenience as regards those behind him would be somewhat diminished. Then, again, I should have thought that it would be a great inconvenience that the Ministers could not approach the clerk's table without walking across the House as they would have to do for business; they could not communicate with the clerk or with the Speaker easily under this arrangement.

75. Then you think that if the House be rectangular, it is better that the Ministers should be at one end of the rectangle rather than in the inside?—I think so; I think, looking to the division of the House, that the space below the gangway here, on the Ministerial side, would be very limited; that is, the space between the door and the Ministerial bench.

76. The question I wish to ask you is, not so much with respect to that particular plan, as upon the principle whether you think it would be an improvement if the Ministers sat in the middle of the House, rather than at the end of the House?—I think the present arrangement is, on the whole, more convenient.

77. That the Ministers should be near the Speaker is, in your opinion, more convenient than that they should be in the middle of the House?—I think so, because any Member of the Government wishing to speak, generally advances to the table, to a place convenient for himself, where he is well in the body of the House now for all purposes of speaking, and it allows a convenient space between the Ministerial bench and the door for the other Members to sit on the front bench.

78. Mr. *Waldegrave-Leslie.*] You think that the Speaker ought to have the leader of the House close at hand?—Yes; I think there are great practical inconveniences in the arrangement shown in the plan before me, as far as my observation goes, and I think that the other is a very much better one. I might add that I think that, with the central gangway at present, it would be a great convenience to the House if another door were opened opposite that gangway into the division lobby. Instead of compelling Members always to descend into the floor of the House and walk out at the door, I think it would be better if there were another little door made opposite the central gangway, so that the Members could go out there at once without walking through the House.

79. Was not there a door of that kind in the House in its original form?—I cannot say; I do not know whether there is any door of that kind in the wall.

80. Lord *John Manners.*] Perhaps you can point out upon one of these maps exactly where you mean?—It would be opposite this gangway in the thickness of the wall (*pointing to a plan of the present House*); that black line does not represent the thickness of the wall.

81. Mr. *Hankey.*] It would not interfere with the fireplaces or any thing of that kind, would it?—No.

82. Perhaps you recollect that I brought this matter before the House, and received no encouragement at all. The objection raised was, that it would require so many additional messengers and clerks to be there to close the door at the time of a division; do you think that there is any force in that objection?—I have often taken divisions in the House, and I am satisfied that there would be no inconvenience whatever in taking a division from having that door. In the first place, the servant of the House who locks the doors could extremely easily lock that door either when the division was going to be called, if it was thought inconvenient for Members to go rapidly into the division lobby; but I should

should think, on the contrary, that it would be a great convenience for Members to go into the division lobby as rapidly as possible; or afterwards, when the House is perfectly empty, he could of course perform that operation while the teller was performing the operation of reporting that the House is clear. He could go and lock that door then; it could not possibly take him a quarter of a minute to do it. I have no doubt that it would not be attended with any inconvenience in taking a division. On the contrary, in large divisions, if it happened that the Members on that side of the House were going into the lobby nearest to them, it would be a great facility. If it were the other way, of course it would not be so great a convenience.

83. *Chairman.*] Would it not disturb the House to have so many entrances and exits?—No; I think the disturbance would be much less than at present, for it is a great disturbance for a Member to come in, as is the case at present, and walk about the floor of the House; instead of that, if this door existed, he would have to go up three steps and through the door without walking about the floor of the House.

84. Sir *Charles Lanyon.*] Irrespective of divisions, as a mere approach to the House it would be a convenience, would it not?—Yes, it would be convenient as an approach at all times.

85. Lord *John Manners.*] Are you of opinion that the alteration you suggest could be accomplished without further diminishing the available space in the House?—I think it might be arranged so that you would lose only one seat by it; and I think the seats at the back might be perhaps made a little closer, sufficiently close to obviate the loss of room, so that I do not think you would have any loss; but the loss might, at all events, be confined to two seats altogether; of course there would be one on each side.

86. Mr. *Waldegrave-Leslie.*] It would be two seats on each side, would it not?—No, I think not; I think it would be merely a slip door; I do not think it is necessary that it should be more than that. I am not aware that any Member of the House is so large that he could not go out of a door of that kind; it would be only for the purpose of allowing Members to slip in and out of the House; I think the space required would be only one seat on each side. On great occasions it would facilitate again the placing a bench or seat in the gangway, and enabling the Members to sit there.

87. Mr. *Darby Griffith.*] These two seats which would be lost would not be valuable to the House as a whole, would they?—They would not be lost, in my opinion, on great occasions, because you would have a sliding seat which would enable a Member to sit across the door on those occasions.

88. And on all occasions those seats where the doors would be are very little used, are they not?—I have very rarely seen the whole of that row crowded; if it is full on one side it is not always full on the other, and if I am a mere listener in the House, I can just as well sit on the back seat on the other side of the House as on the side on which I usually sit.

89. Sir *Charles Lanyon.*] However, as a whole, your opinion is that the advantages of having the door more than counterbalance the loss of seats that would be caused by it?—I think so.

90. Mr. *Waldegrave-Leslie.*] With regard to that plan now lying before you, how would the Ministers be heard by the reporters if that arrangement were carried out?—At the extreme end of the House, that is, at the greatest distance from the reporters, I think it would require a considerably greater effort of voice for them to be heard than at their present places.

91. Therefore you think it would not be more convenient for the Ministers or for the reporters?—I think it is much better to give the greatest facility for being heard. Ministers have to speak very often, and a man may be a most excellent Minister, and not have a strong voice; I do not think he should be placed at a disadvantage from that accident. It is not desirable that the Members should be placed in such a position that the gift of an exceedingly strong voice should count for much in the deliberation of the House of Commons.

92. Sir *Charles Lanyon.*] Supposing you had *carte blanche* as to the arrangements of the House, what number would you think it desirable to accommodate?—I think if there were one more bench on each side of the present House, it would accommodate as many as, if I were reconstructing the House, I should think it desirable to provide for on the floor, and if the gallery were thrown out of the House above to the extent of one bench or two benches, I think then full provision might be made. If that were done you could then give part of the gallery to the Peers, and you could then find abundance of accommodation on the floor of the House for every Member who would desire to use it. I mean that the back or the third row in the gallery should not be within the lower walls, but should extend above them in the same way that the Speaker's gallery and the strangers' gallery now extend beyond the lower part of the House.

93. Mr. *Waldegrave-Leslie.*] That would be at the rear of the present gallery?—I say if I were designing the House myself I should make the third row of the gallery, or perhaps a row and a half of the gallery outside, extending beyond the walls of the lower part of the House.

94. So that they would be quite in the rear of the present seats in the gallery?—Yes; I should rather diminish the present heavy and oppressive gallery, and I should make the gallery more like that in the House of Lords in character; I should make only one and a half rows of seats extend into the House, the other one and a half rows of seats should extend outside.

95. Sir *Charles Lanyon.*] You would make the upper floor larger than the area floor?—Yes.

96. Mr. *Hankey.*] Do you mean on each side?—Yes; that would give four additional rows the whole length of the House; it would enable you to give ample accommodation for the Peers by leaving the whole end of the gallery and a little round the corner for them, and you would then be able to use all the Peers' seats within the body of the House, and by that means I think you would get upon the floor of the House a very considerable increase of accommodation, making the accommodation in fact quite sufficient. With the additional gallery space, you would get altogether abundance of room for any Member who might desire to come there merely for the purpose of listening.

97. In that way you would make available a part

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part of what is now called the upper division lobbies?—You would take a small space from them, and you would probably, if you were designing the whole again, if you wished to have those of the present breadth, remove the outer walls and set them farther back. If you left the outer walls you would diminish that space somewhat in breadth.

98. Practically, there is a space in those upper lobbies which is very little used, is there not?—Very little, indeed. My own observation is, that they are very slightly used. I do not think the bow-window room is necessarily used, but it is used by a few Members for one or two hours to write in; the rest are hardly ever used, except by Members who wish to converse, and who have five or ten minutes to spare, and find it convenient to sit on the sofas there and converse. The third use to which I have seen them applied is on very late nights, when Members desire to repose themselves more at large than they could in the House.

99. *Chairman.*] Will you look at the plan of the existing House, and see if you could put an additional row of seats into it?—The effect of having the additional row would be to make the House broader.

100. Sir *Charles Lanyon.*] The result of the alterations you mentioned, when I asked you what you would do if you had *carte blanche*, would be to add 138 Members to the 430 for whom there is accommodation at present in the House; is it your impression that an accommodation for 568 Members altogether is amply sufficient for the wants of the House?—As far as my observation goes, I should say it was ample, because the number actually present at a division would never wish, and never have, as far as I can judge, desired to remain all seated in the House till the moment of the division. You may deduct a certain per-centage for Members who, on occasions of that sort, are moving about, or not wishing to remain in the House.

101. *Chairman.*] I wish to ascertain from you whether in the existing House, as it now stands, you could get any benches in addition to what we now have?—I do not really myself see how it could be done, beyond what I have suggested as to making temporary arrangements to meet a more crowded attendance, but that of course is an architectural question. I understand that the walls of the House itself are very solid, and that they carry the roof. I presume, therefore, that no change could be made, because if you took down the upper part of the House, that is to say, the sides above the gallery, you would have to take away the roof, and you would require, of course, walls again to support the roof; so that by no contrivance that I know of could you accomplish it. As I understand it, the walls outside the division lobbies are very slight walls, having been merely built afterwards to carry the division lobbies, and therefore I imagine a great roof to extend over all could not be put upon them.

102. We are speaking upon the assumption that the walls could not be moved, and I wish to ascertain from you what, upon that assumption, you think we could do upon the existing walls; whether we could get an additional bench upon the floor of the House or not?—I do not think that that would be very convenient. I think the Members' convenience would be much more suited if what are called the Peers' seats were appropriated to the Members, and in exchange an equivalent space were given in the galleries to the Peers. That arrangement would be infinitely more convenient to Members of the House. You might increase the space now given to the Peers' seats a little, because the space below the bar is unnecessarily large at present. The seats might be brought up to the door, and that space might be given to the House of Commons. But you would necessarily have to give a space in the gallery to the Peers equivalent to that which you took away below.

103. Then you could not materially increase the accommodation given in the House upon the existing walls; I mean as a permanent arrangement?—No, I think not in any permanent way, because the only way of doing it would be to have an additional bench on each side of the House, and then the floor of the House would be very narrow.

104. Even as a temporary arrangement, would it not be very inconvenient if you had a seat on each side when the House cleared out for division?—Probably, with an impending division, it would be a consideration whether you would use the seat there.

105. Even then it would not go beyond the gangway; it would only be in the space below the gangway, between the gangway and the Serjeant-at-Arms, would it not?—From there, nearly back to the door, as far as you could.

106. Would it go beyond the bar?—Yes; I think, generally in an evening sitting, when the House was sitting quietly for two or three hours to hear an important speech, the whole of the vacant space might be filled up, as it is done in places where people are admitted for the purposes of profit. You find that that is the way in which a demand for excessive space is generally met; when there is an extra attendance, all the vacant aisles and spaces are filled with chairs and temporary fittings.

107. Would not that stop Members going up the House from the door?—I think you might leave an extremely narrow psssage to meet the contingency of some one wishing to get up in the middle of an important speech and go out of the House. I do not think you need make any great provision for that.

108. Mr. *Waldegrave-Leslie.*] Supposing your plan of giving the Peers increased accommodation in the upper galleries were carried out, could it be done without cutting through the main walls of the present chamber of the House of Commons?—I have said that I suppose not, if new galleries are to be added; but that is purely an architectural question, upon which I am not competent to express an opinion.

Mr. Edward M. Barry, A.R.A., called in; and further Examined.

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109. Lord *John Manners.*] I think you attended a Committee of the House of Lords in the course of last Session on the re-arrangement of the Kitchen and Refreshment Room Department, did you not?—I did.

110. Will you tell the Committee what passed on

on that occasion?—The Members of the Committee objected, I think unanimously, to the scheme of taking the conference-room, and the room adjoining, for the purposes of a refreshment-room; but as far as I could gather, their objection did not apply to any scheme of concentrating the kitchen and refreshment arrangements of the whole building, if a scheme to which they did not object could be laid before them.

111. Can you tell the Committee how the question to which Mr. Ayrton has referred, of the subways, now stands?—I am not quite aware how it now stands, but I have always understood that it was postponed in consequence of the delay of the Metropolitan District Railway Company in carrying on their works on the opposite side of Westminster Bridge.

112. You have completed the works which you had to accomplish on the House of Commons side of Westminster Bridge Road, on the new Palace Yard side, have you not?—Yes; those are all completed, except the subway, which we have not been able to begin because of the difficulties at the other end.

113. Are you cognisant of the arrangements which were entered into at the time between the Government of the day and the railway company with respect to that subway under the Westminster Bridge Road?—I have no knowledge of the precise arrangements.

114. Sir *Charles Lanyon.*] What was the exact nature of the subway that was contemplated?—The subway was to go under Bridge-street, with a flight of steps up to the Thames Embankment on the other side, so that Members could go to and from the Thames Embankment and New Palace Yard without having to cross Bridge-street; and on the low level from the subway there would be also an entrance to the railway station, so that Members coming by the Low Level Railway would not have to go upstairs more than was necessary to get to the subway, which would be almost level with New Palace Yard.

115. *Chairman.*] The floor of the House of Lords at present is perforated, I believe?—It is.

116. And through those perforations it communicates with an air chamber below, of considerable size?—Yes; as large as the house itself in its floor area.

117. What is the depth of that chamber?—I do not remember the depth perfectly, but it is sufficient for a man to stand up in.

118. It is more than six feet high?—Yes.

119. You consider, I think, that this communication with a chamber below considerably increases the difficulty of being heard in the existing House?—It so appears to me.

120. You consider it a principle that in any new House, a communication from the House above to the chamber below would increase materially the difficulty of being heard?—A communication of that nature would.

121. Any communication which would have the effect of making the speaker's voice audible in the chamber below?—I think so, more or less.

122. In addition to the evil arising from the communication to the chamber below, there is a current of air constantly coming up from this chamber below, and passing upwards through the House, is not there?—That is so.

123. Do you think that that also increases the difficulty of being heard?—I should have said not materially; but it has a tendency that way.

124. You consider, without the continuous introduction of fresh air into the chamber below, that the mere communication from the upper to the lower chamber, so as to enable the voice to be heard in the lower chamber, is a very considerable obstacle to the power of a speaker being heard in the upper chamber?—I think so; it must be a considerable difficulty, because it must add a considerable space to the House, and make it larger than it appears to be.

125. That opinion of yours, I think, is not shared by Dr. Percy, is it?—I think not.

126. Could you refer us to anyone who could give us an opinion upon that principle of acoustics?—It appears to me scarcely a principle of acoustics, but rather of feet and inches.

127. But Dr. Percy entertains one opinion, and you entertain another?—It is a question of fact whether you can be heard in the chamber below or not; anybody can test it; if you go down into the lower chamber while speaking is going on above, you can hear every word that is said.

128. I do not ask about the facility of being heard in the chamber below; I have no doubt of that fact, but my question is as to whether the being heard down below is an obstacle to being heard above?—I think that rather turns upon this question: Is it easier to speak in a small House or in a large one? Because the present House is unquestionably enlarged to the extent of the space below, inasmuch as anyone in that space below can hear what is said above.

129. How is it that Dr. Percy does not adopt the same view as yourself upon that point?—I cannot say.

130. Mr. *Cowper.*] Should you not say that although the present floor has so many holes in it that the sound can pass through it, it is yet sufficiently solid to cause a reverberation of the sound?—So far as its solid portions are concerned, unquestionably.

131. Therefore you cannot altogether overlook the effect of the floor as at present constituted, in reflecting the sound upwards?—The floor being, I will say for the sake of argument, perforated to the extent of half its surface, it would have just half the effect, or thereabouts, in reflecting which it would have if it were entirely solid, in my opinion.

132. Do you think it would be possible to manage the ventilation from below, and yet to have a much larger portion of the floor solid than is solid at present?—I think it would.

133. Mr. *Cardwell.*] I suppose if anybody disputed your opinion as to the room below diminishing the facility of being heard in the room above, a very simple experiment might be tried by putting an impervious carpet on the floor of the House, and trying the effect of speaking in the House so carpeted?—Carpet would perhaps scarcely be impervious enough, but the experiment might be tried with boards.

134. Mr. *Darby Griffith.*] With regard to the presumed effect of a current of air arising from the floor impeding speaking, if sound will travel more than 1,000 feet a second, and the House is less than 100 feet across, which of course it is, it would not take so much as the 10th part of a second for the sound of the voice to travel across the room; in that case could the up-current have

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have any material effect upon the transmission of the sound?—I do not think it has any material effect. I may perhaps state, for the information of the Committee, that I went over to Paris to examine the Chamber of Deputies there, and I found that their system of ventilation is exactly the reverse of this; they introduce the air at the top, and take it out at the floor; their architect considers that a much better system for acoustic reasons with reference to the question of the ascending current of air.

135. Sir *Charles Lanyon.*] Do you consider that the current of air either ascending or descending has any effect upon the acoustics?—I do not myself think it has any appreciable effect.

136. Sir *Frederick Heygate.*] The present House can be ventilated in both ways, can it not?—Yes, it can; but the system adopted in Paris is so in defiance of what I may call the natural tendency of air to rise, that it is much more difficult, and requires many more appliances to carry out that system, than one in which the heating of the air, and its consequent natural rise, assist the ventilation.

137. Sir *Charles Lanyon.*] Are you aware of the average velocity with which the air passes through the floor under ordinary circumstances?—No; Dr. Percy would have that information.

138. Mr. *Baillie Cochrane.*] Are you aware whether there are sittings for every Member in the French Chamber?—There are sittings for more than the number of Members, because since the French Chamber was built they have reduced the number of Members.

139. Sir *Charles Lanyon.*] Are you not aware that if you adopt a downward system of ventilation you must have a very much more powerful extractor for the purpose of carrying the ventilation that way?—The ventilation upon that system is more artificial, and therefore it is more difficult to carry into effect.

140. Mr. *Baillie Cochrane.*] Are you aware how many places there are in the French Chamber, including strangers; that is to say, how many can be seated in the French Chamber altogether?—I have got that information, but I cannot state it from memory. The First Commissioner of Works has got the plans, which he is about, I believe, to send to the Committee, and they will contain all that information.

141. Mr. *Waldegrave-Leslie.*] Did it ever occur to you whether a bridge, or any other communication, could be made for the use of Members only between the left Division lobby and the present refreshment rooms?—That suggestion has been made, but it involved a new doorkeeper, or some provision of that kind, and it was not entertained further.

142. It used to be the case in the old House of Commons, and a doorkeeper was put for that purpose, I think?—Yes.

143. Viscount *Cranborne.*] Have you at all considered to what extent greater speaking accommodation would be given by raising the altitude of the steps which separate the successive seats, so that a Member on rising should be more visible to the Speaker; I mean so as to make more of what is on the Continent called a mountain of the seats?—I do not think that there would be any advantage in that arrangement.

144. I apprehend that at present a good many seats are rendered unavailable for the purposes of Members who desire to address the House, because when they rise they are not practically visible to the Speaker across the heads that intervene; if the steps were larger that would be much more possible, and practically every bench would then be available for Members desiring to speak?—There would be no difficulty in raising the seats in a new construction, but if it were done in the present House there would be difficulties as to the height of the galleries.

145. It would necessarily involve modifying the gallery very considerably, then?—I think so.

146. Is it your impression that the gallery is practically very valuable?—As space it is.

147. I mean as sitting space?—That is rather a question for the Committee than for me; but of course if the House is too small at present, a diminution of the gallery would render it smaller than ever.

148. I suppose it would be perfectly possible to get exactly the same number of seats in the present House and the gallery combined, in the form of one slope, as exists now in the form of the gallery and the House?—Undoubtedly, if we were treating the question *de novo.*

149. It would only be treating the question *de novo* so far as to erect a little new boarding; I meant to ask whether it was not possible, so to speak, to fuse the existing seats of the gallery with the floor of the House, so as to make what I call a mountain, by which every seat up to the very top would form part of the actual House, and yet be available for Members desiring to address the House; there are, in fact, seven rows now; could not you make seven rows in a mountain?—Clearly; but then you would lose the gallery which is now over some of them.

150. No; because plus the gallery there are only seven rows now altogether?—Speaking from memory, I forgot the precise number; if there are only seven, I was wrong in what I said just now; it could not be made to give the same accommodation.

151. Mr. *Darby Griffith.*] You would consider that the preferable arrangement of the accommodation for a House of Assembly of this kind would be that the seats should be on the floor, so to speak, without a gallery?—A gallery is not an advantageous arrangement for those who wish to take part in the business of the House.

152. Viscount *Cranborne.*] But if it was in your power to drive the windows back, it would then be possible to bring in the seven rows of seats in the form of a mountain, would it not?—Yes; that would be widening the House.

153. It would be widening the top of the House, but it would leave the lobby as it is, and only encroach upon the external air?—Of course the lobby would have to be thrown out to the same extent.

154. If you only widened the top of the House so as to drive the gallery back over the lobby, you would only encroach upon the external air, would you?—That is so.

155. Mr. *Waldegrave-Leslie.*] You would have to cut through the walls of the House for that purpose, would you not?—Yes.

156. Mr. *Cowper.*] You would have to rebuild the walls of the House itself, in order to provide support for the roof, would you not?—Yes, to carry the roof.

157. Mr. *Waldegrave-Leslie.*] Could not you obviate

obviate that by girders and pillars?—It is difficult to say what could not be done in that way, but it would be a very hazardous operation; the roof of the House of Commons is very heavy; in fact, the weight has been considerably increased lately by constructing all the arrangements there of incombustible materials. The ceiling itself is a considerable weight, and altogether the amount of weight on the side walls is very great.

158. Viscount *Cranborne.*] You would prefer a reconstruction to that?—It would practically be, I think, reconstructing the House, to carry out such a scheme.

159. *Chairman.*] Will you be so good as to turn to plan B.; by this plan I think you give to Members on the floor an increase of seats from 306 to 367?—That is so.

160. Then what is the number of seats for Peers, and official seats?—It gives 32 official seats and Peers' seats; but I think that number will have to be increased by giving the back row at the door end also to Peers; of course, if that were done, it would diminish the accommodation in the House to that extent.

161. To what extent would it diminish the accommodation?—You must strike off 30 from the accommodation of Members.

162. So that that would give an accommodation of 337, as against the present accommodation of 306?—That is so.

163. Which would be an increase of 31 Members within the House, and an increase in the number of Peers' seats from 44, as at present, up to what?—There would be 46 Peers' seats, and 16 official seats.

164. The official seats being at the Speaker's end?—The official seats would be at the Speaker's end.

165. That is the extent of the additional accommodation upon the area of the House?—That is the extent of the accommodation according to this arrangement of the seats, but by a rectangular arrangement of the seats you would gain accommodation.

166. Can you say what you would gain in that way?—On page 9 this Plan is drawn out with a rectangular arrangement of seats.

167. With the rectangular arrangement of seats you obtain, I see, for Members on the floor, 429 seats?—The number of Members on the floor would be subject to a similar reduction for the increase of Peers' seats; in this case 20 seats would have to be deducted for Peers, leaving 409 upon the floor.

168. What would be the number of Peers' seats?—There would be 36 Peers' seats, and 16 official seats.

169. By Peers' seats, you mean the seats under the gallery at the Serjeant-at-Arms' end, do you not?—Yes.

170. And you mean by the official seats, seats at the other end, near the Speaker's chair?—Yes; that is a new suggestion.

171. That would practically give about 100 additional seats for Members on the floor, and what addition in the gallery?—The gallery would hold about 160.

172. As against how many in the present gallery?—The present gallery holds 124. In this Plan the front row of the gallery over the door is shown to be given to Members; but that would be an inconvenient arrangement, and therefore that number would have to be deducted from the Members' gallery, because the Peers' and Diplomatic gallery would have to be there; therefore instead of giving 160, it would be 136 Members in the gallery.

173. You heard what Mr. Ayrton said with respect to the difficulty of Members at the end of the present House hearing or taking part in the proceedings, did you not?—I did.

174. Would not that difficulty be very much increased if you added to the length of the House?—I think it would.

175. Would it not be the case that in the new House, elongated according to this scheme, the practically available seats would be nearly the same as they are at the present moment, and that there would be merely an addition of unavailable seats at the extreme end?—To a certain extent that would be so.

176. Would it not make the area of the House pretty nearly the area of the House of Lords?—I think it would.

177. Would not the same objections which apply to being heard in the House of Lords apply with greater force to the House of Commons, where the body assembled is not quite so quiet as the body assembled in the House of Lords?—The House of Commons is not so high as the House of Lords.

178. Would that make any material difference?—It would make a considerable difference.

179. Mr. *Waldegrave-Leslie.*] Is there a chamber underneath the House of Peers, in the same way as there is under the House of Commons?—There is.

180. So that those acoustical difficulties would be the same?—According to my judgment they would.

181. Mr. *Cardwell.*] Would not the difficulty of hearing vary very much, according as the House was full or empty?—I think it would.

182. Is not the House of Commons often much more full than the House of Lords, upon the average is?—Much more.

183. When you speak of available seats, do you mean available for sitting only, or for sitting and hearing also?—I presume the Chairman meant to refer to those seats from which Members would speak.

184. Supposing you include in the definition of "available seats" hearing as well as sitting, would not any change which made the House larger have a tendency to make the number of available seats even less than at present?—I think it would; the larger the House is made, no doubt the greater must be the difficulties to be encountered.

185. Viscount *Cranborne.*] How many cubic feet would there be in this proposed House?—The cubical contents of the present House are 127,000 cubic feet, which would of course be increased if the House were lengthened.

186. *Chairman.*] What is the exact increase caused by the greater length upon this plan?—The addition to it, by the elongation, would be about 30,000 cubic feet.

187. Mr. *Cardwell.*] Does that include the chamber below, or is it only the House itself?—That is exclusive of the chamber below; the cubical contents of the chamber below are about 27,500 cubic feet.

188. A corresponding addition would have to be made to those figures if this alteration were made,

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made, I suppose?—If the same system of ventilation is carried out, undoubtedly.

189. Mr. *Cowper.*] Would you explain what the walls carry now, which you propose to remove; do they carry the roof?—They only carry some small cross-beams, which could be provided for in other ways, not the main roof.

190. The main roof rests upon the walls, which would still remain after you had made your alteration?—It does.

191. So that this alteration could be made without any material expense?—I have not gone into the question of expense, but of course the expense would be much less than if you interfered with the main walls of the House.

192. I mean you would not have to make any alteration as regards the roof itself?—I think not.

193. What provision would be made for the purposes of the Division lobby?—If you turn to the plan on page 6, you will see the arrangement; the Division lobby would be carried all round the House, as at present, but the private rooms now behind the Speaker's chair would be sacrificed for that purpose.

194. Sir *Charles Lanyon.*] But you propose to provide them where they are shown upon the Plan in red?—I have made that suggestion to meet the difficulty.

195. Mr. *Waldegrave-Leslie.*] Would there be any increased difficulty in the lighting (I refer to the daylight) of the House by this addition?—No.

196. Not of that part which is added on?—It would be lighted exactly in the same way as the present House is.

197. Viscount *Cranborne.*] I see that you have put some of the official seats behind the Speaker's chair; do you see any reason why that suggestion should not be applied to all the strangers' seats; would you not by that expedient avoid the difficulty of having a certain number of seats for Members from which no one could by any possibility ever address the House?—I think there would be great difficulties as to access to seats behind the Speaker's chair for strangers; probably that would be a great objection, owing to the difficulty of keeping order; it would involve, as it appears to me, reversing the whole arrangement of the House.

198. Could not you put the Serjeant-at-Arms closer to the door?—The difficulty would be as to where the strangers are to come from to get behind the Speaker.

199. Could not they come round by the library?—I think that would be very inconvenient.

200. With reference to another point, as to the acoustic properties of the House, I want to call your attention again to what I alluded to a few minutes ago, namely, the keeping the seats continuous up to the bottom of the windows, instead of dividing them into a lower and an upper tier; I understand you to say that the human thigh, being a constant quantity, you would thereby lose the seats in the gallery, but what I wish to know is if it were decided that seats in the gallery were not practically of any great utility, you would not thereby very much diminish the amount of cubic area which the speaker's voice would have to fill, would you; I speak merely with reference to the acoustic properties of the House, not the increase or loss of room; I ask whether you would gain in acoustic value by obliterating that angle which exists in consequence of the overlapping of the galleries over the benches?—I do not think the existing conditions are unfavourable to acoustics.

201. You think the conditions would not be more favourable if you had the tiers with a continuous slope?—The question would be this: if you do away with the galleries, you would have to enlarge the House to get the same amount of accommodation, and therefore you must enlarge the area of the House.

202. The thesis I put to you is that the galleries are useless because they do not afford accommodation for anybody who desires to address the House; the difficulty is not in finding accommodation for Members in a division, but in finding accommodation for those who take part in the proceedings; for that purpose would you not gain in the acoustic properties of the House by obliterating the cavity which now exists underneath the galleries, and by continuing the seats in a slope up to the lower edge of the windows, so that the whole of that cavity and space would disappear?—Now I think I understand you; the arrangement that you suggest involves, as I understand it, a diminution of the cubical contents of the House; inasmuch as it involves that, it would, I think, be favourable to hearing.

203. Not only that, but would it not further have an acoustic value in presenting a more regular form, instead of a form in which the voice is necessarily broken and lost?—Whether it would be a better form for speaking than the present is questionable. I think a greater rise in the steps might be favourable, but not so great a rise as would take them nearly up to the sills of the windows.

204. Would not the favourable effect be proportional to the rise; the more you get the House into the form of a horizontal cylinder would it not increase the acoustic properties of the House?—I think there would be a point where the advantage would cease, and it would be somewhere between the present steps and the sills of the windows.

205. On what ground do you consider that the advantage would cease at some intermediate point?—I think you would be too much above the Member speaking if you raised yourself up to the sills of the window.

206. You have never yourself practically gone into the House to listen to a speaker from the gallery, perhaps?—No; I have gone into the strangers' seats, but never into the Members' galleries.

207. Is not it the case that the form exercises quite as important an effect upon the acoustical properties of a building as the volume, that is to say the cubical contents?—Unquestionably.

208. And that any broken form is very injurious to the acoustical properties?—It is very difficult to dogmatise as to the forms which are injurious, but I generally find that any unusual proportion is unfavourable to acoustics. I mean, for example, if a room is unusually long or unusually high, or out of the general proportion in any way.

209. Your professional knowledge furnishes you with nothing like a formula in that respect, does it?—I am afraid not.

210. Mr. *Darby Griffith.*] In point of fact, is this

this plan submitted by you rather to meet the wishes of the Committee, or does it really satisfy your own judgment?—It was prepared simply to show how an increase of accommodation could be gained.

211. It is not a plan which would meet with your approbation in comparison with other plans you could produce upon the subject?—It is not; I think it is too long.

212. Viscount *Cranborne.*] Is not it the case that in the House of Lords a good deal of the voice is lost by the very elaborate character of the ornament, and the absence therefore of regular form?—I should doubt that; it is a very large place to fill with the voice; I think that that is the principal difficulty in the House of Lords.

213. Mr. *Waldegrave-Leslie.*] Is it not also owing very much to the very long space beneath the House of Lords, which is very nearly equal to one-third of the chamber of the Lords itself?—I have already stated that I think that that has a prejudicial effect, but I should not like to state that I thought it was the main cause of the difficulty of hearing.

214. Viscount *Cranborne.*] Where do you put the little rooms that you have obliterated?—On page 6 you will see those.

215. Mr. *Cardwell.*] If there is any objection to the present House on the ground of the difficulty of hearing, the effect of adding 15 feet to it would not be to diminish those objections?—I think not.

216. Would it be to increase them?—I am afraid it would.

217. Viscount *Cranborne.*] Have you ever thought of the advantage for the purposes of enabling Members to address the House from all parts of it, of removing the Speaker right into the wall behind his present chair?—I have considered the possibility of putting him as far back as possible under the gallery, but I do not think you could put him right back into the wall, because that would be right under the gallery.

218. What evil would result from his being right under the gallery?—It would be a very undignified and undesirable position.

219. You could remedy that, I suppose, by architectural expedients?—Scarcely.

220. *Chairman.*] Have you ever thought of the plan of putting the Speaker at the side of the House; that has been suggested to me?—That would be a very difficult thing to do, the arrangements of the whole plan of the House having been conceived on the opposite principle.

221. As I understand it, the side walls of the House of Commons are very solid and substantial?—They are.

222. And they support the roof?—They are the main walls supporting the roof.

223. The walls of the Division lobby are light walls; they would not be strong enough to support the roof?—Not to support such a roof as the House of Commons roof; they carry their own roof.

224.—Supposing the plan were adopted of keeping the area floor of the House of Commons of the same size as it is at this present moment, and of expanding the size of the roof, could that, do you think, be accomplished without practically building a new House of Commons?—I do not think it could.

225. Will you have the goodness to look at Mr. Bazley's section, on page 13. Suppose that, instead of the seats on the side of the House rising as they do at this present moment, each tier only slightly above the one in front of it, they were to rise at a more rapid inclination to the level of the gallery, and were then carried through the gallery to some elevation, so as to give a continuous rise from the area of the House up to, we will say, eight rows; could that be accomplished, do you think, without practically building a new House?—I do not think it could.

226. Supposing the Committee were of opinion that that was a right alteration to make, if it could be made, do you think that that operation could be accomplished by building up the Division lobbies during the Session, and then completing the work in the recess, so as not to have the necessity for a temporary House of Commons?—I do not think it could; it would be a very serious operation.

227. Mr. *Darby Griffith.*] In fact, to effect an operation of that kind, would not you practically have to obliterate the whole of the wall above the junction of the present gallery with the present House?—A great part of it; some portion of it would have to remain as piers or columns, to help to support the roof, which would be obstructions, of course, in the House as altered.

228. They would be obstructions of a very serious nature, as regards hearing and seeing the proceedings in the House, would they not?—I think they would be very considerable obstructions.

229. Can you give us some idea, in a general way, of the scantling of the piers, for instance, that would be required?—I do not think I could do that without some consideration.

230. Can you give us any general idea of what portion of the wall would be left for that purpose?—If you refer to page 8, you will see the Plan taken at the level of the windows; if you assume the minor piers removed, and the windows removed, then these major piers would have to remain.

231. Can you give us an idea of what the scantling of these piers would be in comparison with the intervals between them?—The piers would be about three feet.

232. What would the intervals between them be?—Ten or 12 feet.

233. Then with regard to the perspective effect of a person seated half-way in the gallery, with regard to communication with the Speaker, would not piers of this form and shape, standing in that manner, very seriously interfere with the communication by sight or hearing?—I think they would; they might perhaps be made, by the use of iron, a little less than three feet, but still they would be objectionable.

234. It would be a row of intermittent obstructions in the main body of the House, as we may call it, for such it would be then, and that would have a considerable effect in impeding oral and visual communication between the main portions of the House, would it not?—It would; it would be like a row of pillars in a church, with a nave and aisles.

235. Viscount *Cranborne.*] Could not you have a considerable width of arch?—Not with the present construction; not without entirely altering the House.

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236. On grounds of style or on grounds of structure?—On grounds of structure.

237. Mr. *Waldegrave-Leslie.*] You would have such arches as would agree with the plan of the arches of the upper roof, that is to say, flat Tudor arches?—Yes, I assume that you would have a pier and an arch in each bay; each bay is about 15 feet in width.

238. Could not you double the bays?—I think not.

239. Mr. *Darby Griffith.*] If you were to double the bays to obliterate one of the piers, would not there be a liability to throw a greater weight upon the remaining piers than they could properly bear?—Yes, with the existing conditions of the House of Commons I should hesitate very much indeed to take the risk of such a work.

240. Viscount *Cranborne.*] Could not the roof be made lighter than it is now?—It could be reconstructed altogether, but taking it as it is, it is very heavy.

241. Sir *Charles Lanyon.*] I think if you look at Plan No. 8, you will see that taking your idea of taking out one pier, namely the centre or smaller pier of the window, leaving the major pier to support the window, at the back row of the gallery not a single Member would be able to see the Speaker?—There would be considerable difficulty, no doubt.

242. I think, if you look at these lines I have drawn upon this sketch, you will see that it is as I say; there would be no place from which Members would see the Speaker, except from the immediate front of the gallery?—It may be so.

243. None of the back row would be able to see the Speaker?—I think a few might, because the piers, although they would be of large dimensions, would still be rounded off; they would not be great square piers. The arrangement, however, would doubtless be far from satisfactory.

244. Then supposing you were to do what has been suggested by one of the Members, take the intermediate pier away, so as to enlarge the space, that would be tantamount almost to the reconstruction of the House?—I think it would.

245. Mr. *Darby Griffith.*] In fact you could hardly interfere seriously with the side walls of the House without its amounting, practically, to a reconstruction?—That is my opinion.

246. Mr. *Hankey.*] The adoption of either of the plans E or F would involve the necessity of practically rebuilding the House?—Yes; it would involve pulling down the present House, and building a new one, and also the provision of a temporary House during the operation.

Monday, 16th March 1868.

MEMBERS PRESENT:

Mr. Bazley.	Mr. Hankey.
Mr. Cardwell.	Mr. Headlam.
Mr. Cowper.	Mr. Beresford Hope.
Viscount Cranborne.	Sir Charles Lanyon.
Lord Elcho.	Lord John Manners.
Mr. Darby Griffith.	Mr. Waldegrave-Leslie.

THE RIGHT HON. T. E. HEADLAM, IN THE CHAIR.

Chairman.] I have to communicate to the Committee that the First Commissioner of Her Majesty's Works has been good enough to procure for us plans and particulars relative to the Legislative Chambers at Paris, Washington, Berlin, Vienna, Florence, and Brussels. The documents are now in the room, ready for the inspection of the Members of the Committee. 16 March 1868.

JOHN PERCY, M.D., called in; and Examined.

247. *Chairman.*] THE Committee have requested you to attend to-day to give them your opinion upon a practical point of considerable importance. We have to consider the arrangements of the House of Commons, and of course no arrangement is of more importance than the arrangement with reference to acoustics, and in what mode the House of Commons can be so arranged as that Members can be heard with the greatest possible facility by every other Member in the House, and with the least possible effort to themselves. With reference to this subject, a question has arisen of very considerable practical consequence; you are of course aware that the floor of the House of Commons is perforated?—Yes. *J. Percy, M.D.*

248. And that it communicates through perforations with an air chamber?—Yes.

249. Is that air chamber of the same size as the House of Commons?—It is of the same area.

250. What is the height of it?—It varies in different parts; it slopes up.

251. What is the average height?—I cannot recollect the exact dimensions.

252. It is probably upwards of six feet high?—Yes.

253. The question which has arisen is this: Does communication from the House of Commons to this air chamber below, in your opinion, interfere with the acoustic qualities of the House?—That is a point to which I have paid a good deal of attention, and on which I have made a good many observations, as far as I have been able to do so; and my impression is, that it does not practically interfere with the acoustic qualities of the House. But, after all, that is only an opinion, and I should very respectfully, and at the same time strongly, venture to suggest to this Committee to make an experiment upon the subject for themselves; and the result, I think, would be far more valuable than any merely theoretical opinion; I should propose, for example, that in the House there should be a certain number of competent observers, who should make experiments by speaking to each other, and should watch the result. I should propose that we should alter the current of air; that we should prevent its ascent, that we should allow it to ascend, and should reverse it, and cause it to descend, and that we should make experiments of that nature, keeping the observers above in ignorance of what was being done below; I think that by that means, if the experiments were properly conducted, you would get at results of the most absolute and decisive character, which would be better than any merely scientific opinions on the matter. Although the principles of acoustics may be known, yet when you come to anply them to actual practice, you meet with innumerable difficulties.

254. As I understand the matter, there are two distinct questions; there is first the question whether the mere communication with an air chamber without any current of air, either ascending or descending, interferes with the acoustic qualities of the House; and the second question, which is a distinct one, is whether, assuming that there is an upward current of air from the chamber below, that upward current of air interferes with the acoustic qualities of the House?—I should propose that an experiment be made to test every one of those points. First of all, you may close the air openings altogether, or allow the air to ascend in the usual way, and then suddenly reverse it, and cause it to descend; and you will be able to ascertain whether any sensible effects are produced. My impression is, that there will be no sensible effect; but that is only my opinion, and it is an opinion to which I do

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I do not attach any very great importance. As far as I have been able to make observations, I do not think that there is any practical objection, but the experiment can be very easily made. I can make all the arrangements for it with very little expense, and can carry them into operation with great facility.

255. Mr. *Cowper.*] Will you state what course you would take, for the sake of experiment, in order to render the floor impervious to sound?—Underneath I should have folding doors, just a temporary arrangement of deal, so as entirely to close the opening.

256. We wish to ascertain what would be the effect of having a floor which was not perforated; how for the occasion would you prevent the floor from being perforated?—I should entirely close the floor from below by bringing up close under it a deal folding door.

257. Mr. *Beresford Hope.*] But still, in order to try the experiment, we must not only ascertain the effect in the House and below the House, but the effect of speaking in different parts of the House itself, under the different conditions of the air chamber; for instance, we must try the effect in the Speaker's chair and in different parts of the House, when the floor is opened and closed respectively, in order to ascertain the result of the experiment?—Of course that could be done.

258. I understood that your suggestion was only to test how far persons above and below could hear each other?—I should propose the experiment which you have suggested; the trial would not be satisfactory without an experiment of that nature.

259. Lord *Elcho.*] Do you consider the acoustic properties of the House to be bad?—I certainly do not. I have tested the House, as far as my power of hearing is concerned, under every variety of circumstances, in different parts of the House.

260. Do you know any public room of the same size, containing the same number of people, in which it is more easy to speak?—Certainly not.

261. Mr. *Waldegrave-Leslie.*] Do you think that the present open chamber beneath the House interferes with the Members being heard?—I do not.

262. Would your experiments be made with the House full or empty, or moderately full or moderately empty?—I would suggest that they should be made under all conditions.

263. Lord *Elcho.*] Personally, you do not think it necessary to make experiments in order to attest the acoustic properties of the House?—I can only state my impression, which is very strong in that direction.

264. Before the roof was put on, if everybody had not been asking everybody else whether he could hear, the person speaking would have been heard?—Yes. The other night I was very much struck with the following circumstance: I was at the extreme end of the House of Lords, near the entrance, and I heard with the utmost distinctness every syllable which was uttered on that occasion by the Duke of Argyll and by Lord Cairns.

265. Those two speakers having distinct voices, and making proper use of them, and being listened to?—Yes.

266. Sir *Charles Lanyon.*] Can you state what is the velocity of the air passing under the grating?—It is about one foot or one foot four inches a second; I have made several observations on that matter, and I can give you the details.

267. That is not a great velocity?—No.

268. Therefore I cannot conceive how it can in any way interfere with the acoustics?—By one arrangement which I should propose, namely, reversing the current and sending the air down to the vaults beneath, you would be able to ascertain facts of the most crucial character; I think that you would then be able to ascertain, with the utmost certainty, whether the direction of the current had practically any considerable effect upon the acoustic qualities of the House.

269. *Chairman.*] You give this opinion without reference to any particular scientific theory?—Entirely; I do not believe in the application of these theories, at present, to these practical requirements. Only yesterday I was reading what had been done in Paris with regard to the acoustic qualities of the sewers; experiments were made, and some quite unexpected phenomena were obtained. When you apply these principles to these complicated arrangements, in actual practice hitherto they have turned out very unsatisfactory.

270. Mr. *Darby Griffith.*] However, any theory as to the transmission of sound would not lead you to attribute any sensible effect to an upward current like this?—No.

271. As the House is less than 100 feet across, the sound of the voice of a speaker must penetrate every part of the House in less than the tenth of a second?—Yes.

272. And therefore the upward current can have no appreciable effect whatever?—I do not think that it has any appreciable effect; wherever a number of persons is congregated, you must have currents of some kind, or you will be utterly suffocated.

273. Your own experience the other evening in the House of Lords, which entirely corresponds with my own, fully confirms what you say with respect to Lord Cairns being distinctly audible?—Yes.

274. Therefore, in your view, an extension laterally of the present House of Commons would not interfere with its acoustic properties?—I should be sorry to commit myself to any opinion upon that point; a good deal would depend upon the form of the House.

275. Suppose it to be made more nearly square than at present?—I do not think that it would; but that is simply an opinion.

276. Mr. *Bazley.*] What form do you think would most conduce to the conveyance of sound?—It depends upon whether you want a man always to speak from some given point of the House, or for the speaker to be heard equally well from every part of the House.

277. The object is for him to be heard equally well from every part of the House?—Then I do not think that you could get a better form than the present. If you get a large house, and have it circular, you will be driven to the necessity of having a tribune.

278. Mr. *Darby Griffith.*] But without being circular, might it be wider?—I think that it might be wider without disadvantage; but as to what extent I cannot tell.

279. Mr. *Beresford Hope.*] But a parallelogram, you think, is essential?—Yes, judging from the present effects.

280. What do you think are the acoustic qualities

qualities of the glass ceiling?—I think that it has no practical influence.

281. One has generally understood that wooden ceilings act as a sounding board, and that glass is bad for acoustics?—You have a house here quite *sui generis*. I do not know that there is any other house with which you can compare it, and therefore any opinions respecting it, it appears to me, should be formed very cautiously; and your only safe guide is the evidence furnished by actual experiment.

282. I may mention as an illustration, that I was once engaged in building a church, and I had a remonstrance against the choir stalls being floored with stone, it being stated that wood was better for the sound?—I do not know upon what principle that remonstrance was made.

283. Mr. *Waldegrave-Leslie.*] Do you know whether the reporters in the House of Commons have any difficulty in hearing?—I think that they have none when the speaker speaks out; the accuracy of their reports is a proof of it.

284. Do you know whether the reporters have much difficulty in hearing in the House of Lords?—I do not know that they have much difficulty in hearing when the speaker speaks deliberately, and with a distinct utterance, and addresses himself to them. There is, I know, sometimes a difficulty in hearing some Peers who speak in a very low voice; but that, I think, is a question of voice, and not of the construction of the House.

285. Sir *Charles Lanyon.*] Although I quite agree with you that the current of air has nothing to say to the acoustic properties of the House, still are you not of opinion that if the floor was not perforated, and if it was covered over continuously, it would act very much better in conducting sound than the present perforated floor does?—I think not.

286. Upon what principle?—I suppose you would have the floor carpeted.

287. I will first take the case of an unperforated floor, without being carpeted?—I do not think that it would contribute to the distinctness of the voice; and if you came to the question of the carpet, I do not know that it would reflect sound at all. I do not know that you want sound reflected. You want the voice to go direct, in all directions, to the ear of the auditor.

288. *Chairman.*] With respect to the state of the ceiling, what apertures are there in the ceiling?—Every pannel is set off to a certain distance, so that air goes up round every pannel, and round every sheet of glass; it goes through the whole ceiling.

289. So that there are almost exactly the same perforated qualities in the ceiling as in the floors?—Yes.

290. And you think that the communication with the outward air does not affect the acoustic qualities of the House?—I think not, practically.

291. Sir *Charles Lanyon.*] Is not the ceiling quite different from the floor; the ceiling, at all events, is a surface which acts as a reflecting surface, but the perforated floor cannot do so?—But I am not aware that you want the floor to reflect; the floor is generally covered with furniture, and with other accompaniments. Why should it be desirable that the sound should impinge upon the floor, and be reflected to the ear of the person listening? It is far better that it should proceed directly from the person who speaks to the ear of the listener.

292. *Chairman.*] And the same with respect to the ceiling?—I think that it is a very unsubstantial matter altogether, as far as I can judge.

293. Mr. *Darby Griffith.*] May there not be a disadvantage in a too great reflection of sound by the production of an echo?—Yes; it is by no means an advantage. I remember that, when I was a student in the Amphitheatre of the Jardin des Plantes, in Paris, which was semicircular, there was a part where no one could listen, and, consequently, that part of the amphitheatre was always vacant.

Mr. JOHN IMRAY, called in; and Examined.

294. *Chairman.*] YOU were Clerk to the late Dr. Reid?—Yes; I was Assistant Engineer to him.

295. And you recollect therefore perfectly everything which took place in Dr. Reid's time with reference both to the acoustic qualities of the House, and also to its ventilating qualities?—Yes; I was mixed up with them all the time.

296. You have heard the questions which have been asked of Dr. Percy with respect to the acoustics of the House?—Yes.

297. Can you give us the views which were entertained by Dr. Reid on that subject?—The views entertained by Dr. Reid, which he carried out in the temporary House, were chiefly these:—that the cubic contents to be filled by the voice should be as small as was consistent with the necessary accommodation. For that reason he had the ceiling of the temporary House made very low, so that there should be no large space to be filled; his principle, as I have said, was that the cubic contents should be as small as possible consistently with the necessary accommodation.

298. Did he consider in the cubic contents of the House the air-chamber underneath?—Yes; he considered it essential at that time for the ventilation.

299. Did he consider that the existence of that chamber, even supposing it to be essential for ventilation, was prejudicial to the acoustic qualities of the House?—He always felt that that chamber had to be filled with sound, and that if it was not there, the House would be better.

300. His opinion was that the air-chamber below was prejudicial to the acoustic qualities of the House?—Yes, I am sure that he felt so.

301. Had he any views with respect to the openings in the ceiling?—He felt the same thing; I may mention that the temporary House to which I have alluded was very much remarked upon for its excellent acoustic qualities, and a circumstance occurred there which may be rather interesting. When Jenny Lind was in this

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country singing, she had heard of this temporary House being remarkable for its acoustic qualities; she came down to the House on purpose to try it with her voice, and spent some time there, and remarked that she had never known a chamber where the voice sounded so pure and clear.

302. In that temporary House was there any communication with the air chamber below?—Yes.

303. Just the same as in the present one?—Yes; there was a wooden floor, not an iron floor; it was a wooden floor bored over with holes.

304. So that as far as Jenny Lind's testimony goes, it would go to this extent, that no effect was produced to the acoustic qualities by the existence of that air-chamber below?—Yes; or you would rather say that the cubic contents to be filled were very small.

305. The question upon which we are doubting is as to the effect of these holes in the floor?—I can only say that as we hear distinctly, and heard distinctly, below the floor every voice which goes down there, that sound I believe is lost to the House itself.

306. That is merely your notion upon the subject, but you cannot give us any proof of it?—As far as Jenny Lind's testimony goes, it rather points to that.

307. Mr. *Darby Griffith.*] Was the House full or empty when Jenny Lind tried her voice in it?—Empty.

308. Mr. *Waldegrave-Leslie.*] What was the relative size of the chamber underneath the old House, in proportion to the House itself?—The chamber extended for the area of the House underneath, and was two or three feet deep below the floor.

Professor JOHN TYNDALL, F.R.S., called in; and Examined.

Professor *J. Tyndall*, F.R.S.

309. *Chairman.*] YOU are perhaps aware that the House of Commons has delegated to this Committee the duty of considering the arrangements of the House; there are no arrangements of greater consequence than those connected with acoustics, and of course it is a primary object that every Member speaking should be heard by every other Member with the greatest possible facility, and at the least possible exertion to himself; in considering these arrangements as to acoustics, a very serious and important practical question has arisen; by the construction of the present House of Commons the floor is perforated, and through those perforations it communicates with an air-chamber equal in area to the House of Commons itself, and of a height of upwards of six feet; through these perforations a current of air comes up from the air-chamber below, and escapes from the House of Commons at the top by apertures spread over the ceiling; there is consequently a continuous current, arising from the chamber below, passing through the House; practically we are aware that any individual in the air-chamber below hears what takes place in the House above, and it has been represented to this Committee that, as a necessary consequence, an arrangement of that kind must be prejudicial to the acoustic qualities of the House; we wish to obtain the best information which we can upon this subject, and we have therefore looked to those who are best qualified to assist us upon it; under those circumstances we have requested you to attend, and we shall be very glad to receive any information which you can give us for our guidance?—I am not very well acquainted with the House of Commons; in fact, I have been there only once or twice in my life, nor am I acquainted with the character of the air-chamber underneath the House; but I am inclined to express the opinion that the hearing of the Members in this air-chamber underneath is not a proof of any defect on the part of the acoustic qualities of the House. I think that, for the most part, it is what I may call, without using technical language, the *direct sound* which is the most useful in a very large room, such I suppose the House of Commons to be. You can by perhaps distorting the shape of the room get some advantage from the sound being reflected from the walls, but I think that, as a general rule, in large chambers, constructed as our rooms generally are, it is better practically to extinguish these reflected sounds. If you will allow me, I will state a case which occurred to myself, in the year 1865, in the Senate House of the University of Cambridge. The case is a very striking and instructive one; I stated it to a Committee in the House of Lords last year. I went down in the month of May 1865, being called upon to give the Rede Lecture before the University of Cambridge. I was accompanied before the lecture began by a very cultivated man, who knows a great deal of scientific matters, namely, my friend Mr. Frederick Pollock. He stood at the extreme end of the Senate House; I stood at the place from which people usually speak, and I was perfectly frightened to find that my words were quite unheard by my friend Mr. Pollock. In fact the reflection from the floor and walls followed the direct sound in such a manner as to destroy almost entirely the definition of the words of the speaker. Now here is a clear illustration of the prejudicial influence of these reflected sounds following the direct utterance of the speaker. I afterwards entered the Senate House with my mind quite made up for utter failure. The house, happily for me, was packed very full; the under space was covered with people, and a very compact mass of undergraduates filled the gallery of the Senate House. I looked at the most distant undergraduate and spoke to him for an hour and a half, and I cannot help thinking that they heard every word, for I am sure that if they had not heard me they would not have shown me the attention which they did. I believe that during that hour and a half, every utterance and every syllable was heard; and this was entirely due to the quenching, by the presence of the audience, of this very prejudicial influence which arose from the reflection of the voice from the sides and bottom of the room. With regard to the dispersion of the voice in the lower chamber of the House of Commons, I am inclined to think that it does not materially prejudice the acoustic qualities of the House. But I believe that you have the advantage here of a very able man, who is well accustomed to make experiments, and that is a point which I would strongly recommend to the attention of the Committee, for there is nothing

nothing in these cases like direct experiments, which are better than all the opinions in the world. I think that it would be possible so to arrange matters as to stop those perforations at certain times, and to open them at other times, and then you could judge for yourselves whether any advantage arose from the stoppage of the perforations, or whether any injury arose from their being open. I would earnestly recommend the desirability, if possible, of making such experiments.

310. If I remember rightly, the Senate House at Cambridge has a marble floor, has it not?—I do not know; it is a smooth floor. I do not think that it would have made the slightest difference whether it was marble or sandstone or wood. I think that the substance of the floor had no appreciable influence.

311. You attribute the difference in the state of the place, when you addressed Mr. Pollock, and when you addressed the audience, to the mere fact of the audience being there and covering the reflecting surface?—Yes, presenting an absorbing surface instead of a reflecting one.

312. Would not your theory amount to this, that it would be easier to speak in the open air than in any other place?—That is a very fair question. If you could get into the open air sufficiently withdrawn from the sounds which usually agitate the open air, I think that you could hear with comfort as far in the open air as in a large enclosed space.

313. Mr. *Waldegrave-Leslie.*] Would you put a sounding board behind the speaker?—You would get some advantage from the reflection of waves by a sounding board. If you have a parabolic surface behind the speaker, you undoubtedly get waves of such a character as to reenforce the direct waves.

314. *Chairman.*] Is it not essential for that purpose that the Member should speak from one particular place?—Undoubtedly it is.

315. Mr. *Beresford Hope.*] Would a perforated floor create distorted and imperfect waves of sound, part of the sound travelling through to the chamber below, and part being reflected so as to make the speaking more indistinct than upon a plain floor?—Upon considering the question, as now, for the first time, I should not think that the perforation of that floor exerts any prejudicial influence upon the sound, which would be prevented supposing the perforations not to exist; but I again fall back upon experiment.

316. Do you think that a glass ceiling is a bad thing compared with any other material, such as wood or groined stone?—I think not; if you take an organ pipe you may have the sides of the organ of glass or of wood, or you may have them of pasteboard, or of metal; you get precisely the same pitch and *timbre* from all of these pipes, whatever the sides are composed of.

317. I am no musician, but I know that musicians occasionally attach value to wooden floors and wooden ceilings?—I believe that they do. I am sorry to say that I differ from some of them; and a good many of them, I should say, agree with me.

318. Sir *Charles Lanyon.*] Did you hear the evidence which has just been given with reference to the temporary House of Commons?—No.

319. It was stated that the temporary House of Commons was a good House for hearing?—I did not hear that evidence.

320. That I believe was a wooden house, the walls of which were quite plain, and very little broken, and it has been described as one of the most successful buildings for acoustic properties?—Was the air space of the same shape as that occupied by the present House?

321. It was rather a longer House than the present House, but it was a lower House?—That is a very great advantage.

322. I was just coming to that, as an argument against your theory of no reflection being useful; the ceiling of the temporary House was a much lower ceiling than in the present House, and was it not from the reflection of that ceiling aiding and assisting, that its acoustic properties were so good?—The injury to the definition of a speaker's utterance depends upon the fact, that some slight interval must exist between the echo and the direct utterance; if that interval be so short as to superpose the echo upon the direct utterance, there is no injury done, but the reverse; but if you make your ceiling very high, you augment the interval between the direct and the reflected sound; you encompass the direct sound by a kind of penumbra.

323. After all it amounts to this; that a speaker must be heard better in the open air than with a reflecting surface; certainly, your evidence in the first instance struck me, as it did the Chairman, namely, that it was tantamount to saying that the best place for hearing was the open air?—It might have appeared so.

324. We have been informed, with reference to the temporary House, that it was made of wood, and that the walls being perfectly plain, all reflecting the sound, it was one of the best buildings which had been constructed for hearing purposes?—Exactly so; in order for the echo to be of any possible advantage, it must follow so hotly upon the direct utterance, that one shall be practically superposed upon the other; otherwise it is somewhat similar to the spreading out of an ink blot upon blotting paper; the echo is so related to the sound itself as to destroy, as it were, the definition of its boundaries. I admit that you get more noise; you get more sound; but you get less definition, and definition, I think, is one of the most important points in speaking, far more important than the mere sound itself.

325. Lord *John Manners.*] Will you explain what you precisely mean by the word "definition"?—I think that I can make it pretty plain; there are certain speakers (and I am sure that every Member of this honourable Committee will have noticed it), who either by some action of their brains, or by some power of their lips, give a greater clearness of definition to their words than others, that is to say, they do not allow one word to run into the other. I should designate by the term "definition" that power, so to say, of chiselling out each word, so that it shall be distinctly heard, and shall not be permitted to blend with the following word.

326. Mr. *Beresford Hope.*] Would you not rather call it definiteness?—You may so call it, if you please.

327. Have you considered the effect of draperies and hangings, and so on, upon the sound; do you think that they have the great effect which people attribute to them?—Yes; in fact, in presence of the experiments which I made at Cambridge, I cannot help thinking that draperies

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have a very great influence in quenching the reflected sound, and thus destroying the after sound.

328. Then you would consider that a room hung with loose draperies upon the wall, would be acoustically better than one with a flat solid wall?—I should unquestionably say, that a large room would be improved by such a drapery.

329. *Chairman.*] I will take an extreme case. Supposing that a gentleman spoke into a tube; by that means the voice could be carried to a considerable distance, could it not?—Yes.

330. What is the reason why, if I speak into a tube here, and somebody else is at the end of the tube, a quarter of a mile off, my voice will reach the person at the other end?—The reason is, that the sound wave is prevented by that tube from dispersing itself in free air. The question is an exceedingly pertinent one. A room may be taken to some extent to resemble such a tube, and you undoubtedly augment the quantity of sound in a room by having the walls round about you, but (I am speaking, remember, throughout of *large* rooms) you have a far less pleasing effect upon the ear, although you have a larger amount of sound.

331. We shall probably have to consider what is the best shape for the House of Commons, supposing a new one to be constructed; what would you say would be the best shape?—I should be careful in expressing an opinion upon that point. Volumes have been written upon the shape of rooms and the shape of houses, and so much has been written, and has been found but partially effective, that I should shrink from giving an opinion on the subject.

332. We have had a very good character given of the temporary House of Commons, which was longer, in proportion to its width, than the present House, and the ceiling was lower than the present one?—The lowness of the ceiling formed a very important point.

333. It therefore somewhat assumed the character of a tube; a Member speaking at one end was heard by a Member sitting at the other end, and we have had evidence that Jenny Lind, having heard of its acoustic qualities, tried it, and thought it a most admirable room to be heard in; on the other hand, we have had evidence to the effect that it is desirable that the House of Commons should be square; those are exactly conflicting testimonies, and if you could give the Committee any evidence upon that subject, they would be glad?—I should myself choose neither shape; in fact, the best shape acoustically would not be at all a pleasant shape æsthetically; the best shape, acoustically, I should say would be somewhat of this kind; a room of five sides, with the Speaker where the dot is; I think that a main point, in a large room such as the House of Commons is calculated to be, is to quench the echoes; to quench the resonance.

334. Supposing it to be the case, as it is in the House of Commons, that speakers have to speak from every part of the chamber, ought it not to be a chamber of a symmetrical form; a square or an octagon, and not one side longer than the other side?—I am cautious in offering an opinion upon that point; on the first consideration of the question I should rather adopt a symmetrical form; but I have not given the subject any particular attention.

335. Mr. *Hankey.*] With reference to the Committee-room, in which we now are, do you think that its acoustic properties would be improved by the ceiling being lowered six or eight feet?—The body of air in this room is not very large; I think that it might be somewhat improved, for there is a slight resonance here; but in a body of air so small, the reflection and the direct sounds are so closely coincident, that one does not practically interfere with the other.

336. Lord *Elcho.*] When the Chairman asked you whether you would prefer a square or an elongated form, you said that you would prefer neither?—If all the speakers could stand at the same point, I should prefer the five-sides room already sketched, otherwise I think the symmetrical form would be best, because you then would place all the speakers approximately under the same conditions, and would not give one an advantage over the other; the symmetry would be fairly distributed for each individual speaker. In an elongated room, for example, a speaker standing in the middle from the end of the room would be differently circumstanced from a speaker standing near one end.

337. Mr. *Cardwell.*] Supposing it to be the habit of those Members who were going to make long speeches, such as might be fatiguing to themselves, to take places convenient for the purpose, and that it was not therefore necessary to place the whole of the assembly at the same advantage for speaking, and that those who spoke from remote places would probably be only persons who were making short speeches; would it be possible in that case to construct the building upon any architectural model with a view to better acoustic effect?—I have given a plan of a room which I think would be productive of a better effect than rooms in general; that is, a room ending in a corner; and if those who desired to make long and severe speeches were placed in the angle at the corner, undoubtedly they could be heard better than from any other part of the House. But this is a subject upon which there has been an enormous amount of writing; it is a very difficult one, and I merely give you an idea of the thoughts which have occurred to myself in connection with the subject. I do not think that much very definite can be said upon it; but I think that I am pretty correct in stating that the great advantage in a large room like the House of Commons is to give the direct tones of the voice the strongest possible efficiency, and to interfere with them as little as possible by the resonance of the room. But with regard to the various peculiarities of the present House of Commons, I would again fall back upon my first suggestion, which I think is the best one, namely, that experiments should be made in the present House of Commons; and those experiments would be far better as a rule of guidance than any opinion which could be offered off-hand upon the subject.

338. Mr. *Darby Griffith.*] You have described your experience of the Senate House at Cambridge, in which there was too much secondary resonance; in that case the house was empty?—It was.

339. When the house was full by an audience, you have said that that secondary resonance was not injurious?—It was not practically injurious; at all events it was sensibly improved; it was

so much improved that a voice could be heard at a distance which was perfectly impracticable before the audience assembled there.

340. In practical terms, you would say that the objection to the empty house was removed when the house became full?—I cannot say that it was entirely removed; perhaps if there had been 200 or 300 more undergraduates it might have been still better.

341. The House of Commons, on important occasions, is full, is it not?—I cannot say.

342. Do you think that it might have been that the Senate House, when full of people, might have profited by the very power of secondary reflection of sound, which, when empty, was in excess, by overcoming the deadening effect of the mass of people who were assembled there?—I am quite persuaded that if that reflection had existed, I could not possibly have made myself intelligible to the more distant portion of that audience; it was simply to the removal of the reflected waves that the intelligibility of the voice was due.

343. Might it, or not, be the case that the House, unduly resonant when empty, would profit, for acoustic purposes, to a certain degree by that excess of resonance when it was packed and crowded?—The presence of the crowd of people actually destroyed the excess of which you speak.

344. There is the greatest possible difference in the House of Commons when full and when empty?—I can quite fancy that. May I ask you, for my individual instruction, when it is easiest to hear in the House of Commons, when the House is full or when it is empty?

345. When it is empty, is it not?—I should like to be assured whether, if no low conversation be carried on, the hearing is better when the House is empty or when it is full.

346. Mr. *Cardwell.*] Would you be surprised if a speaker to whom the greatest attention was usually paid, were to find it more laborious to speak in a full house than in an empty House?—There you introduce a psychological question. If I answer the question briefly, it will not be complete, because very complex effects are produced upon the speaker himself; you appeal to his individual sense of effort, and not at all to the hearing of the audience round him. He cannot know by any immediate consciousness how his audience hears him. I can quite imagine that a speaker with a full House round him may conceive himself to be called upon for a greater amount of effort; but I am inclined to think that as far as what may be called the objective phenomenon goes, he would be heard with the same amount of exertion in the full House as in the empty House, and perhaps better; he would certainly be heard better *if the room were large* with the House full than with the House empty; at least it is unquestionably the case in the Senate House at Cambridge.

347. Your opinion would be that the smaller the house which would conveniently accommodate the audience, the better for the hearing?—Unquestionably so.

348. Are you of opinion that after the experiments to which you have referred as being likely to be so useful had been tried, it would be possible for an architect, with the result of those experiments before him, to construct a building which would be as perfect as possible for acoustic purposes?—I think that the experiments might be made an exceedingly valuable guidance for the architect; there must, however, be some means of altering the shape and size of the room, applying, we will say, an artificial ceiling, and stopping the perforations underneath; in that way I have no doubt whatever that most valuable guidance, far better than any rules, which any architect could out of his own consciousness develope, would be derived. It is the only safe way of proceeding to experiment in that manner.

349. Do you contemplate that these experiments would necessarily involve any great cost, considering the important object in view?—I do not think so at all; I think that the cost, in relation to the object, would be infinitesimal.

350. So that it might be possible in the course of any vacation to try experiments which would lay the foundation of a scientific structure based upon them, and likely to be satisfactory?—I quite think so, provided that we were permitted to fill the place with an audience during the vacation, which should personate the real audience of the House of Commons. The existence of the seats and cushions would render this a condition of less importance than it would otherwise be. I think that we must hold on to the distinct conditions of the House of Commons.

351. I suppose that you do not think that it would be possible to try such experiments while the Session was going on without interrupting the course of business?—That is a point on which an architect can offer a far better opinion than I can; he would be best able to state whether a tarpaulin or something of that sort could not be erected as a false ceiling; a tarpaulin I think would answer the purpose perfectly well. You need not go to any more expensive material, and I almost think that it might be done during the Session. For a considerable portion of the day, I suppose, the House is empty.

352. Is not there a great difference between an assembly where the speaker speaks from a tribune, and an assembly where each speaker speaks from where he happens to be sitting at the time?—If the speaker speaks from a tribune you can undoubtedly augment the effect of his voice by artificial means; you can shape your room so that the voice issuing from the tribune may be re-inforced by the shape of the room; you can apply a sound board; you can apply various artificial means to re-inforce the voice, and therefore you undoubtedly have in a case of that kind an opportunity of applying the voice with greater power than in the case where every Member is obliged to speak from his seat.

353. Do you happen to be acquainted with any room where persons so speak from their seats, excepting the Houses of Parliament?—I am not.

354. Is there any building at all in existence to which you can refer us as a better model than any other for acoustic purposes?—I have had to deal more with the principles of acoustics than with their application to houses, and I have not sought for cases of that kind. Such cases as the one to which I have alluded in the Senate House of the University of Cambridge have occurred in my own experience, but I have not gone out of my way to seek cases of that kind. But I should think that architects and singers would be able to furnish valuable data in a case of the sort.

355. Supposing it to be the object to obtain the

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the very best House of Commons possible for acoustic purposes, I have collected from you that you would recommend experiments to be tried upon the present House, and that you think that the result of those experiments would be likely to lead to a very satisfactory conclusion?—That, in my opinion, is the only safe method of proceeding.

356. Mr. *Darby Griffith.*] Are you acquainted with Whitehall Chapel?—I am sorry to say that I am not.

357. That is a room in which the preacher is very distinctly heard, and it is larger than the House of Commons?—For a speaker speaking from a tribune or from a special place, I think an amphitheatre with seats carried round, and with the speaker in front of a flat wall, answers exceedingly well.

358. Mr. *Waldegrave-Leslie.*] From your experience of the Royal Institution in Albemarle Street, do you think it easy to hear there?—It is exceedingly easy; the room can be filled with the voice without difficulty when it contains 700 or 800, or even 1,000 people. No difficulty whatever is experienced by the speaker. In the theatre of the Royal Institution, or in the theatre of the School of Mines, or in the theatre of the London Institution in Finsbury Circus, no difficulty is encountered by the speaker in filling the whole room; he is heard distinctly in every part without any material effort.

359. Sir *Charles Lanyon.*] He speaks from one distinct place?—Yes, he stands on the chord of the curve.

360. With reference to this question of reflection, supposing that you were in the open air, would not this straight line between the speaker and the hearers (*producing a diagram*) represent the direction of the wave of the sound?—Yes.

361. Supposing that you were not in the open air, would there not be a much greater volume of sound?—No doubt of it.

362. Therefore that would be owing to the reflection?—Yes.

363. And the velocity at which the sound would flow is such that it would arrive at nearly the same point?—Yes, in the tube you have drawn.

364. You would get about eight times the volume of sound by reflection that you would get in the open air?—You might get 80 or 800 times the volume, but a room is not a tube. Take the case of a very high ceiling, the speaker being at one end of the room, and the hearer at the other. The voice reaches the hearer first along the direct line between both; afterwards by reflection from the ceiling; such reflection would augment the sound, but it might seriously impair the definitiveness of the utterance.

365. It depends very much upon the distance which the voice has to travel?—It depends upon the size of the room, that is the important point.

366-67. Mr. *Darby Griffith.*] The theatre of the Royal Institution is a much smaller room than the House of Commons?—I should think so, though it holds 700 or 800 persons with considerable ease.

368. Mr. *Cardwell.*] You have said, that the smaller the house, provided that it accommodates the audience, the better for acoustic purposes. Will you have the kindness to give us your opinion, whether the ventilating chamber below ought not to be counted as an addition to the size of the House?—That is a very pertinent question; but I should think (I merely now state the opinion which I have formed from a consideration of the circumstances, without inspection of the place), first of all, that the amount of sound which goes through must be considerably weakened in intensity; there must be a considerable amount reflected from the perforated bottom of the floor, and I should think that the intensity of the sound which reaches the space underneath, and is again reflected there, is so much enfeebled as not practically to interfere with the sounds of the voices in the House of Commons. You might make some allowance for it, but I think that it would be a very slight one.

369. I think that you may take it as a fact (because some of us have tried the experiment), that you hear in the chamber below with as much distinctness as almost in any place; you may even hear a private conversation which is going on, if you happen to be walking along the passage below; do not you think that, assuming that to be the case, it must imply that a larger space has to be filled by the voice, in consequence of the existence of that chamber?—Assuming that to be the case, undoubtedly the conclusion which you mention would follow. Still, physically speaking, I should say that it is impossible that that can be the case, because there must be a certain amount of interception, and a large amount of interception, due to the perforated flooring, and I may say that very much depends upon the external circumstances of the ear. In those underground regions you are in a very still atmosphere, and, therefore, the sensitiveness of the ear is very much increased.

370. Mr. *Waldegrave-Leslie.*] Are you aware that the walls of this, and of the other Committee-rooms, were covered with flock paper, in order to check or remove the resonant quality of the walls, and in order to improve the acoustic properties of these rooms?—I was not aware of that circumstance. I should be exceedingly glad to learn whether that flock paper had any influence upon the acoustic properties of the rooms.

371. There was a great difference between the time when there was no flock paper, and the time of the flock paper being put on?—

372. *Chairman.*] Do you know the whispering gallery of St. Paul's?—Yes.

373. Is not a whisper there heard over a very considerable space, or carried round to a very great distance?—Yes; the wave of sound issuing from the voice runs round the gallery, and the two waves meet at the opposite ends of the diameter.

374. Do you think that the fact of a whisper being heard in that way at a considerable distance, makes the whisper at all less audible to a person close by?—If you displace the person from the end of the diameter, then two whispers are heard in succession, and one of those whispers may interfere with the hearing of the other; it is only when they reach the hearer at the same moment that the proper reinforcement is produced.

375. Supposing that I were to whisper to you at a point in the whispering gallery under such circumstances that the whisper went round, would it make my whisper to you less audible than it would be in a place where it was not subject

ject to be carried round in that way?—The *direct* whisper would not be affected.

376. Supposing it be true that a whisper from one Member upon a bench in the House of Commons to his next neighbour is heard in the chamber below; the fact that it is so heard in the chamber below would not make the whisper less audible to the person to whom it is addressed?—No; in a case of that kind, where persons are whispering near each other, the direct effect is so very powerful in comparison with any reflected effect that the latter practically disappears.

377. Mr. *Cardwell.*] Then I think we may take this as the result of your opinion, that to whatever extent the chamber below is occupied by the speaker's voice, to that extent it may be considered as added to the area of the building which he is filling, and that as the smaller the area the better the hearing, it is consequently a reduction from the effect of his voice in the room in which the assembly sits?—I would say that, as regards resonance, theoretically you are correct; but as regards the *direct* sound of the voice, the fact that a distant mass of air is agitated by it has no influence whatever.

378. *Chairman.*] But how is it practically?—I should like to have an opportunity of observing it; but I am of opinion that the reaction of the air beneath would not be appreciable.

379. Sir *Charles Lanyon.*] With the view of arriving at the theory, did you not suppose that the confusion which you spoke of in the Senate House at Cambridge arose entirely from the reflected sound from all parts of the building?—I did think so.

380. That is to say, from the walls, from the floor, and from the ceiling?—Yes.

381. Afterwards, when it became full, you had no difficulty in speaking?—The difficulty was immensely diminished.

382. There was then very likely but one reflection, namely, that arising from the ceiling?—Practically I should say so.

383. That being the case, are you not of opinion that with reference to the true theory of sound, supposing that it were possible to obtain it, one reflecting surface is desirable in any room which may be constructed for acoustic purposes?—I do not like to offer an opinion upon the precise instance cited. In order to decide the question one would require to be able to destroy the reflecting power of the ceiling; and I am not at all prepared to say whether if the reflecting power of the ceiling had been destroyed, the effect would not be still better, I do not know. I am far from denying that you might under some circumstances derive benefit from the reflection of the ceiling. With low rooms you would certainly obtain it. Still I should be very cautious in asserting it as regards the Cambridge Senate House.

384. Mr. *Cowper.*] Supposing that the floor of the House of Commons were quite impervious to sound, and did not reflect, but simply absorbed all the sound which came to it, would the hearing of persons on a level with the speaker, or above him, be at all times diminished by the fact that the waves of sound going downwards were not reflected, but were lost in the floor; if that were the case, would the hearing of those who were on a level with the speaker, or above him, be at all influenced by what would take place when the floor was perforated and the downward sounds instead of being absorbed and lost in the floor itself, went downwards and were audible in the chamber below?—The direct sound is uninfluenced by the fact that a body of air beyond the hearer is agitated by it.

385. Are the direct sounds to persons sitting on a level with the speaker at all affected by the fact whether the direct sounds going downwards are or are not heard by anybody else?—Not at all.

386. Therefore the direct sound in the House of Commons would not be affected by the voice being heard below the House of Commons?—Not in the least.

387. Mr. *Cardwell.*] Supposing that the chamber below the House, instead of being six feet high, was 12 feet high, would the same opinion hold; we have now a ventilating chamber of the same size as the House, but not of the same cubical area; I wish to know whether, if the contents of that chamber instead of being six feet were 12 feet, the same opinion would hold?—As regards the direct sound I should say undoubtedly; it depends simply upon the agitation of the line of air particles between the speaker and the hearer.

388. Then it would not signify how deep the ventilating chamber was?—As far as the direct sound is concerned it would not; if I understand aright, the perforations in the flooring of the House of Commons are covered with carpet.

389. Mr. *Cowper.*] It is a network, with interstices between it?—I am answering somewhat in the dark, for I do not see my data.

390. *Chairman.*] The effect of the perforations is to let the voice go through into the air-chamber?—Unquestionably so. With respect to the effect of the size of that air chamber, it depends upon the character of the perforations; if they are as I have supposed them to be, and covered with a sort of matting or carpet, then I should say that the augmentation of the under chamber would, in all probability, have very little influence.

391. We will suppose that a member is speaking at one end of the room, and that there is a very considerable cavity, that the communication to the air-chamber is complete, and that he is speaking over a chasm; would it be more difficult to be heard under those circumstances?—I think it probable that the resonance would make it so.

392. Mr. *Bazley.*] What is the form of the senate room at Cambridge?—It is a rectangular room. I should very much like to see the House of Commons, and to hear the sounds underneath.

393. Lord *John Manners.*] With respect to all these questions which have been asked of you relating to the possible effect of the air-chamber under the House of Commons, would you prefer to postpone any definite answer to those questions until you have had an opportunity of examining the air-chamber and forming an opinion in that way?—I should; I like to come in contact with real facts which I have to deal with.

394. Lord *Elcho.*] Do you consider that adding 15 feet to the length of the House of Commons, and at the same time finding sitting room for 150 more Members, would necessarily diminish the acoustic qualities of the House?—I should think that it must do so to some extent; how much, I cannot say.

395. Do you think that by experiment means might be found to counteract such prejudicial acoustic qualities?—If you augment the distance between

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between speaker and hearer, I do not see how you can get rid of a diminution of the acoustic effect.

396. Supposing that you lower the room?—That might be a great benefit; but as far as the augmentation of the House in length goes, it must have a diminishing effect, other things being equal. [Since giving this evidence, an examination of the House of Commons confirms me in the opinion that the cause of the defective hearing is to be sought *above* the speakers rather than beneath them. It is, however, a point easily decided by experiment.]

Mr. EDWARD M. BARRY, A.R.A., called in; and further Examined.

Mr. *E. M. Barry*, A.R.A.

397. *Chairman.*] SINCE you gave evidence before the Committee last year, your attention has been further directed to the question of the construction of a new House of Commons, has it not?—It has.

398. You have examined the subject very carefully?—I have.

399. And you are now prepared to submit plans to the Committee?—Yes; I should say that the plans are simply a development of the Plan D, which I submitted to the Committe last year.

400. They do not materially differ in principle; they are merely more carefully worked out?—They are worked out in detail; the plans are here. Perhaps I should take up less time if I were to read a description of them than if the evidence were given in question and answer.

[*The Witness read the following Paper:*—]

DESCRIPTION of PLAN D for a NEW HOUSE of COMMONS, and Accommodation connected therewith, by *Edward M. Barry*, A.R.A.

Principle of plan.

THE principle of the plan is the increase of accommodation of all kinds, with the minimum of interference with the existing building.

New accommodation provided.

It provides a new House of Commons, new division lobbies, a new House lobby (formed out of the existing House), a new reading and news room, new rooms for the Government, private members, and officials, new and enlarged accommodation for the press, a new staircase to the committee rooms, and new refreshment rooms.

Notwithstanding this large increase of accommodation, there would be no alteration of the leading features of the building, nor any external interference with it, except as regards the present Commons court, which is little used, and of no great importance.

The plans show three different modes of arranging the seats in the House, marked D, D^1, and D^2. In the following description, the figures apply to plan D^1.

New House of Commons to hold 569 Members, instead of 428, as at present.

The new House would contain 569 Members (419 of whom are on the floor), and 330 strangers, making a total of 899 persons. The present House contains 428 Members (of whom 306 are on the floor), and 263 strangers, making a total of 691. The object aimed at has been to provide a House of compact form and arrangement, of good acoustic qualities, and fit for a place of business, without undue regard to purely architectural considerations.

The number of Members present at the three largest divisions, in 1867, was 599, 578, and 518, on occasions of voting on the Bill for the Representation of the People.

The width of seat provided for each Member is 20 inches, but on crowded nights less than this would probably be found sufficient, in which case the new House would accommodate upwards of 600 Members.

Form square with corners cut off.

The form of plan is a square with the corners cut off, forming an octagon with four long and four short sides. By this shape, the arrangement of the seats, according to English Parliamentary precedents, is secured better than would be the case in an octagonal chamber with equal sides.

56 Peers' seats.

8 Official seats.

The seats for Peers are at the bar end of the House; they will accommodate 56 persons, instead of 44 as at present. At the opposite end of the House, behind the Speaker's chair, eight seats are provided for official persons connected with the Government, to enable them to attend, and communicate with Ministers and heads of departments, when required, during the proceedings of the House.

Present House converted into a new Inner House lobby.

Division lobbies, 60 × 30.

Access to the new House would be obtained through the present House, converted into an inner lobby, reserved for Members only. A door at the opposite or Speaker's end of the House opens into the Members' private corridor, adjoining the libraries; corridors at each end of the House lead to the division lobbies, which are on either side, and are about 60 feet long and 30 feet wide. In addition to the corridors, there are other doors leading direct from the House to the division lobbies.

Dimensions of new House, 63 × 63.

Present House, 63 × 44.

The dimensions of the new House for 569 Members, are 63 feet by 63 feet, and 39 feet high, containing 154,300 cubic feet of space. The present House for 430 Members, is 68 feet by 44 feet, and 44 feet high, containing 127,000 cubic feet of space. The latter, however, has no solid floor. The floor is little more than a large iron grating, thoroughly pervious to sound. The effect of this condition can hardly be otherwise than acoustically unsatisfactory, adding as it does to the size of the House, so that the voice of a Member speaking, fills, under unfavourable

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able circumstances, not only the House itself, but also the chambers beneath it; this may be easily tested by any person placing himself in the latter during a debate. The amount of space thus added to the House is rather more than one-fifth of its area, or 27,500 cubic feet, making the area now filled by the voices of Members 154,500 cubic feet, or rather more than the cubical contents of the new House proposed for 569 Members.

The shape of new House acoustically favourable.

The new House is believed to be more favourably planned, acoustically, than the present Chamber, and the floor is solid, and of wood. The centre portion of the ceiling is of glass, with sloping sides of wood; this form having been adopted with a view to acoustic considerations.

Mode of ventilation proposed.

The fresh air is introduced from below through the Members' benches, by means of double framing. This arrangement is not open to the objections frequently urged against the present system of passing air through the floor, as tending to carry upwards any dust or impurities which may exist upon it, and it has the advantage of securing a larger area for the admission of air, without rendering necessary any extensive perforation of the floor, and consequent interference with its properties as a reflector of sound. The extraction of the vitiated air would be effected through apertures in the sloping sides of the ceiling, but the centre portion would be flat and impervious.

System of lighting proposed.

The mode of lighting the House is of great importance. The centre of the ceiling being of glass, would admit a large body of daylight, and there are six windows on the two sides of the House. These would add to the cheerfulness of the House, and would admit of being opened in summer, or at other times when desired. It would be possible to light the House at night by means of gas burners placed above the glass ceiling, as at present.

Mode of lighting adopted in present House and in Paris.

This method has been adopted in Paris in some of the recently erected theatres, and is also in use at the present time in the Chamber of the Corps Législatif; and by the courtesy of M. de Joly, the architect to that building, I have enjoyed the opportunity of examining in detail the ingenious arrangements adopted by him to carry out this system, in combination with a skylight, used by day. It has the advantages of keeping all gas pipes, apparatus, and products of combustion outside the chamber, and, with a proportionate expenditure of gas, abundance of light can be obtained. On the other hand, it is somewhat extravagant, as a large amount of light is wasted, and as the gas is close to the glass, the latter becomes heated to a high temperature, causing danger of breakage, and presenting a large amount of radiating surface from which heat passes into the House. For these and other reasons, I am induced to recommend lighting a new House of Commons by means of sun-burners. To prevent glare, caused by undue concentration of light, sixteen sun-burners are proposed. The pipes from the sun-burners would pass directly into the vitiated air-chamber above them, and would materially aid the ventilation of the House. This mode of lighting is now extensively used, and has great advantages for public rooms in its simplicity and effectiveness, both as regards lighting and ventilation. To prevent black shadows under the galleries, and to give additional light and cheerfulness to the lower part of the House, the back part of the gallery ceiling is made of glass, with gas lights behind it. These would be completely shut off from the House, and the products of combustion from them would be carried off by flues in the walls.

Sun-burners recommended.

The present House to be the new House lobby.

The present House is arranged as a new reserved inner House lobby, for the use of Members only. The present sloping ceiling would be removed, and the room restored to its original handsome architectural appearance; so treated, it would form a striking and convenient entrance to the new House. In it are placed rooms for the post-office, and for the Secretary, and ex-Secretary of the Treasury, and for other purposes. One of these rooms would be available for refreshments, in place of the unsightly stall now placed in the lobby. The rooms of the Secretary of the Treasury are connected with the private room now used by the Government, and a separate staircase leads from these rooms to three additional private rooms over them, and connected with them. These rooms also possess a separate access from the exterior. A similar arrangement, on a smaller scale, is provided for the ex-Secretary of the Treasury. At the opposite end of the reserved lobby a private staircase, for Members only, leads to four private rooms at an upper level. The public approach to these rooms is by a staircase from the present House lobby, and they are suggested, with a view to meet the wishes that have been expressed, for rooms in which private Members may keep their papers, and see their constituents, or other persons on business. On the west side of the reserve lobby a new reading and news-room is provided, 68 feet long, and 23 feet wide. This is obtained by enlarging the existing division lobby, by extending the side wall over the footway below on columns and arches. The Vote-office is at the end of this room, close to the Members' private entrance, and a window of communication is provided, by means of which Members may obtain their papers without leaving the immediate neighbourhood of the House. Access to the Vote-office is also provided from the House lobby, as at present, and greatly increased accommodation is given to this department by the conversion of the present news-room into an additional vote-office.

Rooms for Secretary and ex-Secretary of the Treasury.

Private rooms for Members.

New reading rooms, 62 × 23.

New and enlarged Vote office communicating with reading rooms.

Official rooms suggested by Mr. G. W. Hunt, M.P.

A suggestion has been made by the Right Honourable G. Ward Hunt, M.P., for the provision of rooms for the different departments of the Government, where their boxes and papers may be kept, and where Ministers may receive their subordinates on public business. One of the private residences in New Palace Yard, now occupied by Colonel Forester, appears well adapted for this purpose. It is situated over the archways leading from New Palace Yard to the Members' private entrance, and is close to the House of Commons. The entrance and staircase are placed in the corner nearest to the House, and would furnish a private and direct access for Ministers, both to the proposed official rooms, and to the House, enabling them to visit the former on their way to the latter.

Private entrance to official rooms.

New staircases to Committee-rooms, &c.

Another addition proposed in the plan is that of a convenient staircase, placed close to the libraries, and communicating directly with the Committee-rooms on the floor above, and with the smoking-room, and proposed refreshment-rooms on the ground-floor.

New staircase reserved for Members.

This staircase would obviate an inconvenience now often complained of, namely, the distance of the Committee-rooms from the House, by way of the public staircase. The new staircase would be reserved for Members, and would thus give to them a private and direct approach to the Committee-rooms; and as it would be in a central position, between the House and libraries, it would doubtless be found a great convenience.

New refreshment-rooms on a larger scale.

The present refreshment-rooms have been much complained of, as insufficient to meet the growing demands of Members. Their enlargement has been recommended by Committees, and plans for this purpose have been under the consideration of successive Governments. A proposal has been made to appropriate the conference room, and the rooms adjoining it, as refreshment-rooms for both Houses, served from a common kitchen. There would be many advantages in such an arrangement; but in consequence of its depriving the House of Lords of accommodation at present enjoyed by their Lordships, it has hitherto been considered impracticable. As an alternative, it is therefore now proposed to remove the refreshment-rooms altogether from their present position, and place them on the ground floor, on a line with the present smoking-room, and level with the river terrace. It is also proposed to carry out a similar arrangement as respects the refreshment-rooms of the House of Peers, and to concentrate the whole refreshment department at the New Palace under one management, with a central kitchen and offices, in the centre portion of the river front. The Commons' refreshment-room, 72 feet by 42 feet, with an area of 3,024 square feet, is on the north side, close to the Members' smoking-room; and the Peers' refreshment-room, which would be quite distinct, is in a corresponding position on the south side. The present public dining-rooms adjoin these rooms, and four private dining-rooms are also proposed for the use of Peers, or Members, and their friends. The kitchen and offices are on the basement story, and the only external alteration proposed is the substitution of three-light windows for the present windows of two lights, so as to gain additional light and air. The present Commons' refreshment-rooms are 104 feet by 19 feet, with an area of 1,976 square feet, and the new refreshment-room would therefore give an increase of more than 50 per cent. in accommodation.

Close to the present smoking-room.

Present public dining-rooms part of plan.

Accommodation for public press.

A large increase in the accommodation of the Press is provided. At present, the reporters have 19 seats in the front row of the gallery, and a similar number in the second row. The new House provides 22 seats in the front and 22 in the second row. The gallery is placed at the back of the Speaker, as at present.

Present reporters' entrance and stairs.

Three well-lighted writing-rooms.

A refreshment-room.

A reference library.

A private approach to the gallery is obtained by the present reporters' staircase and corridor, the latter being prolonged towards the river front. The reporters'-room on the ground floor and the ante-room at the top of the stairs, remain as at present, but the latter would only be used as a waiting-room for messengers, &c.; on each side of the corridor, rooms are devoted to the reporters as follows:—three good and well-lighted rooms for writing and copying, 32 feet by 18 feet; 28 feet by 11 feet; and 28 feet by 11 feet; a refreshment-room, 25 feet by 18 feet; a hat and cloak room, 18 feet by 11 feet, and other accommodation. A corridor at the back of the gallery gives access to the latter, and at the end of the corridor a room is provided as a reference library, the advantages of which have been dwelt on by the representatives of the reporters before the Committee.

Private galleries for editors and leader writers.

To meet another suggestion of those gentlemen, two private galleries, to hold 14 persons, are arranged close to the reporters' gallery, but separate from it, and with a distinct access from the reporters' corridor, for the use of editors and leader writers, whose presence in the gallery, under existing arrangements, is complained of by the reporters as tending to interrupt them in the discharge of their duties. In order to obtain sufficient height for the refreshment-room and one of the writing-rooms, it is proposed to raise the floor of two private rooms over them, which can be done without inconvenience.

No necessity for use of Committee-rooms by reporters under the new arrangements.

By the proposed plan, no necessity would exist for the use by the reporters of Committee-room No. 18, as at present. All their accommodation is compactly arranged, close to their gallery, and they would not need to pass on to the upper floor, or penetrate further into the building. Subjoined is a tabular statement, showing the present and proposed accommodation for this department.

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Reporters' Accommodation.

New House.		Present House.	
Gallery seats, front row - - - 22		- - - - - 19	
,, second row - - - 22		- - - - - 19	
	44		38
Editors and Leader Writers, in separate galleries.	14	- - - - - -	nil.
Total - - -	58	Total - - - -	38
	Area, Square Feet.		Area, Square Feet.
Ante-room for Messengers - - 26 × 10	260	26 × 10 - - - -	260
Ground-floor Room - - - 21 × 13	273	21 × 13 - - - -	273
Writing Room - - - - 32 × 18	576	26 × 14, with lobby taken out of it.	314
Second ditto - - - - 28 × 11	308	14 × 10 - - - -	140
Third ditto - - - - 28 × 11	308	14 × 10 - - - -	140
Reference Library - - - 30 × 11	330	- - - - - -	nil.
Refreshment Room - - - 25 × 18	450	- - - - - -	nil.
Hat and Cloak Room - - - 18 × 11	198	- - - - - -	nil.
Total, Square Feet - - -	2,703	Total, Square Feet - -	1,127

The present reporters' entrance and staircase remain unaltered.

The ladies' gallery is placed over the reporters' gallery, as at present, and it is approached by the stairs now used, access to which is provided through the Speaker's Court. It is divided into three compartments, as at present, and each of the two end galleries has a small retiring-room behind it. The width of the three present galleries is 38 feet, and that of the new ones is 33 feet, which allowing two rows of chairs, will afford space for 42 ladies. A few ladies are at present admitted at the opposite end of the House, and the new plan shows two private galleries answering to those devoted to editors and leader writers. These galleries hold 14 persons, and one or both of them might be allotted to ladies if desired.

Ladies' gallery.

Two additional private galleries.

No temporary House would be rendered necessary by the adoption of the plan. The works being all external to the present House, could be carried on independently of it, and the present House could be used until the new House should be finished.

No temporary House necessary.

The subjoined Tables show the comparative accommodation of the present, and proposed House of Commons, according to the several modes of arranging the seats, marked D, D^1, and D^2.

Table of accommodation.

21, Abingdon Street, February 1868. *Edward M. Barry.*

Table I.—House of Commons Accommodation.

Plan D.

	Present House.		New House, Plan D.		Gain.	Loss.
Members on floor - - - - - - -	306		391			
Ditto in gallery - - - - - - -	122		150			
	—	428	—	541	113	–
Peers and Strangers on floor - - - - -		44		56	12	–
Officials on floor (Speakers' end) - - - -	-	-		8	8	–
Peers and Diplomatic Gallery - - - -		21		20	–	1
Speaker's Gallery - - - - - -		43		56	13	–
Strangers' ditto - - - - - - -		60		76	16	–
Reporters' ditto - - - - - - -		38		44	6	
Editors' Boxes - - - - - - -	-	-		14	14	–
Ladies Gallery, north end - - - - -	49		42			
Reserved Gallery, south end - - - - -	8		14			
	—	57	—	56	–	1
		691		871	182	2

Total gain - - - - - 180.
Gain of Members' Seats - - - 113.

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Table II.—House of Commons Accommodation.

Plan D[1].

	Present House.		New House, Plan D[1].		Gain.	Loss.
Members on floor	306		419			
Ditto in gallery	122		150			
		428		569	141	–
Peers and Strangers on floor		44		56	12	–
Officials on floor (Speaker's end)	-	-		8	8	–
Peers and Diplomatic Gallery		21		20	–	1
Speaker's Gallery		43		56	13	–
Strangers' ditto		60		76	16	–
Reporters' ditto		38		44	6	–
Editors' Boxes	-	-		14	14	–
Ladies Gallery, north end	49		42			
Reserved Gallery, south end	8		14			
		57		56	–	1
		691		899	210	2

Total gain - - - - - 208.

Gain of Members' Seats - - - 141.

Table III.—House of Commons Accommodation.

Plan D[2].

	Present House.		New House, Plan D[2].		Gain.	Loss.
Members on floor	306		403			
Ditto in gallery	122		150			
		428		553	125	–
Peers and Strangers on floor		44		56	12	–
Officials on floor (Speaker's end)	-	-		8	8	–
Peers and Diplomatic Gallery		21		20	–	1
Speaker's Gallery		43		56	13	–
Strangers' ditto		60		76	16	–
Reporters' ditto		38		44	6	–
Editors' Boxes	-	-		14	14	–
Ladies' Gallery, north end	49		42			
Reserved Gallery, south end	8		14			
		57		56	–	1
		691		883	194	2

Total gain - - - - - 192.

Gain of Members' Seats - - - 125.

Witness.] The only difference between the three plans is in arrangement of the seats in the House of Commons; the general features of the plans are the same in all.

401. Sir *Charles Lanyon.*] It is merely in detail that there is any alteration?—Yes, I consider D[1] to be the best plan.

402. The general system is the same?—The general system is the same.

403. Mr. *Beresford Hope.*] Is not the difference between your three plans which you now propose, and your plan of last year, that whereas last year you brought the Treasury Bench into the body of the House, and turned the seats by the Speaker's chair endways, you now bring the Treasury Bench up again towards the Speaker's chair?—That is one of the changes, and plan D[1] is the one which I think the best for the arrangement

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ment of the seats. The suggestion for bringing the Treasury Bench into the middle of the House was not mine.

404. Mr. *Cowper.*] In all these three plans you have brought the table opposite the Treasury Bench in the middle of the House?—In plan D[1] I have adhered as nearly as possible to the present arrangements as they appear to me good.

405. But in plan D[1] you have divided the table into two, and have established a gangway between the two halves of the table?—Yes.

406. But you have not moved the Treasury Bench?—Not to any great extent. I should not consider it desirable to do so.

407. *Chairman.*] As far as I know, the great difficulty which is felt with reference to this plan is a doubt as to whether the House can be sufficiently lighted, and whether the occupation of the whole of this space by buildings, without any court, is consistent with comfort, and ventilation, and a sufficiency of light. Can you give the Committee any information upon that point?—I think that it would be abundantly lighted. As regards the House, the centre of its ceiling being of glass, it might be entirely lighted in that way. But in addition to that, there are three windows on each side of the House, which can be opened, as the section clearly shows; of course we can have as much light as we like, and from the ceiling there are six windows also.

408. Mr. *Cowper.*] Those windows would open into the present court, over the present division lobbies?—They would.

409. Mr. *Beresford Hope.*] How much would you have to pull down to begin with. I believe that you would have to pull down the left hand division lobby, and the refreshment-room, would you not?—Yes.

410. Would you have to pull down anything else?—No, we should not interfere with any main walls.

411. *Chairman.*] Do you think that there would be any difficulty in the construction of this new House of Commons, without making any temporary provision for an interregnum?—I think not.

412. You think that this new House could be constructed without any interference with the business in the existing House of Commons until it was completed?—I think that it might, with some temporary arrangement for taking the divisions.

413. Lord *John Manners.*] And as to the refreshment-rooms?—Yes.

414. Have you turned your attention to the creation of a temporary dining-room?—I have not.

415. Mr. *Cardwell.*] You propose to remove the refreshment-rooms?—Yes.

416. Could not you make them new ones before pulling down the old ones?—Undoubtedly.

417. Sir *Charles Lanyon.*] You would interfere with the division lobby?—Yes; some temporary arrangement must be made for divisions; perhaps this might be done by enlarging the other division lobby. You might make a door into the House at the side.

418. Mr. *Hankey.*] Would the new House have external air by windows of the same style as at present?—Yes; it would have 30 external lights; there would be six windows, each of which would have five lights.

419. Mr. *Beresford Hope.*] The only difficulty then which you see is as to taking divisions, which difficulty of course the House might meet for the time being by an alteration of the Standing Orders, reverting for instance to the old system of one side going out and the other remaining in?—Precisely so; it might be done.

420. Mr. *Cowper.*] Will you state how the division lobbies are to receive their light and air?—It is in a somewhat similar way to that in the proposed House, excepting that the windows are at the ends instead of at the sides; they have a skylight in the middle, and the rooms at the two ends are kept low, so as to allow the windows shown on the section to be opened; they might be useful for this purpose, but as regards light there would be plenty from the ceiling.

421. *Chairman.*] Have you made an estimate of the cost of this plan?—I have made a very rough one; I have not had time to go into it in detail.

422. What is your rough estimate?—It seems to me that the House itself would cost about 50,000 *l.*; and all the other changes shown on the plans as much more.

423. Would it be complete with all fittings, and everything of that sort?—Yes, speaking in that approximate way.

424. Taking it roughly, about 100,000 *l.* would complete everything which you recommend?—I think so.

425. Mr. *Beresford Hope.*] Would the fittings of the present House be available to a very considerable extent?—To some extent, but not to a very considerable one; they would be available because they could be used in other parts, not in the House; the wall framing, and all those details, would certainly be used.

426. *Chairman.*] What is the form of the gallery in your plan; are there two rows, or is there one?—There are two complete rows, and there is a third row in recesses.

427. Would they hold 150 persons?—Yes; you would lose 50 or 60 by taking a row off.

428. Two of those rows are within the House, and one is in the recess?—Yes.

429. Supposing that you took one row off, and left one in the House, and one in the recess, what would be the effect?—We should lose about 50 seats. I think that that would be a great improvement.

430. Mr. *Darby Griffith.*] Are not these division lobbies much greater than the present ones?—They are twice as wide.

431. Are they not unnecessarily large, and could not you take some space out of the plan of the division lobbies and put it into the House?—Yes, if it were desirable, but it appears to me that the House would be large enough without that, and I do not think the division lobbies would be too large.

432. *Chairman.*] What is the space which you have allowed between the rows of the gallery?—Three feet six inches; the same as at present.

Monday, 23rd March 1868.

MEMBERS PRESENT:

Mr. Bazley.
Mr. Baillie Cochrane.
Mr. Cowper.
Viscount Cranborne.
Lord Elcho.
Mr. Darby Griffith.
Mr. Hankey.
Mr. Headlam.
Mr. Beresford Hope.
Sir Charles Lanyon.
Lord John Manners.
Mr. Waldegrave-Leslie.

THE RIGHT HON. T. E. HEADLAM, IN THE CHAIR.

Mr. EDWARD M. BARRY, A.R.A., called in; and further Examined.

Mr. *E.M. Barry*, A.R.A. — 23 March 1868.

433. *Chairman.*] YOU have had in your possession, I think, the plans which have been given to the Committee of the Foreign Houses of Legislature?—I have.

434. Will you be so good as to go through them, and to explain to the Committee respecting each of them, any peculiarities that occur to you?—Certainly.

435. We will begin with the French House, if you please?—That (*producing a plan*) is the plan of the French House.

436. That is the only drawing, I think, of the French House; is it not?—There is a section of it also (*producing the same*).

437. Will you describe it?—The chamber of the Corps Législatif is 112 feet in diameter; it is a semicircle, and it is 55 feet high.

438. Mr. *Hankey.*] It is 112 feet at the broad part?—Yes.

439. Sir *Charles Lanyon.*] Is it an exact semicircle?—It is a little more than a semicircle.

440. I suppose the diameter would be just in a line with the end of the columns we see there (*pointing to the plan*)?—It is about 70 feet this way (*pointing to the plan*). It contains 500 places, but the number of deputies being now only 283, the whole of the House is not occupied.

441. Mr. *Waldegrave-Leslie.*] Is not it the old Chambre des Pairs?—No, it is the old Chamber of Deputies. The old Chambre des Pairs is the present Senate House, the Corps Législatif is the large building which faces the Place de la Concorde.

442. Mr. *Hankey.*] The old Chamber of Peers was at the Luxembourg?—Yes.

443. *Chairman.*] What accommodation is there in the Corps Législatif for strangers?—The strangers are in the galleries upon the upper level. This blue line (*pointing to the section*) represents a gallery. Behind the columns there is also a gallery, and this part is reserved for officials, and this part also is reserved for officials and for the public (*describing the position of the strangers' and official seats upon the section*). The number of places in the lower gallery is 224. The number of persons filling the chamber is as follows: Deputies 283; Ministers or Councillors of State, 15; gallery of the first tier, 288; gallery of the second tier, 224; officials of all sorts on the floors, 73; making a total of 883 persons.

444. *Chairman.*] What is the accommodation for the ladies?—There is no special accommodation for the ladies; the public galleries are occupied by both gentlemen and ladies.

445. Mr. *Waldegrave-Leslie.*] The reporters form part of the 73 on the floor, do they not?—Yes, the accommodation for the reporters, I should say, is very limited indeed.

446. Mr. *Hankey.*] Among the officials, you include the stenographic department?—Yes, I include everybody who attends the Session; even the messengers; they are moving about; they have not all seats. The orator's tribune occupies the centre of the semicircle; it is represented by the letter A upon the plan; the floor of it is raised about four feet above the floor of the House; I call the Member addressing the House the orator, to distinguish him from the Speaker or President. Behind the tribune is the President's chair; lower, on the right and left, are the places of the assistant secretaries who are elected by the House. In the reserved space behind the President's desk is the place of the secretary general of the Corps Législatif; that is letter A (*pointing out the same*). Letter D represents the shorthand writers' places.

447. Mr. *Waldegrave-Leslie.*] What does the letter E represent?—The letter E represents the clerks; I should say that the shorthand writers come down here (*pointing to the plan*) to this place at letter G, and write out their minutes. There is a relay every 10 minutes or so; they are relieved.

448. They stand to their work, do they not?—Yes, they stand to their work.

449. *Chairman.*] There is nothing corresponding to our division lobbies, I think, is there?—Nothing at all.

450. The divisions take place entirely within the House?—I do not know how the divisions take place.

451. Can you give the total number of persons who can be accommodated in our present House, including

including strangers and every one?—Six hundred and ninety-one.

452. You have not the cubical contents of the French House, have you?—No; it must be much larger than ours.

453. Supposing that the Committee were desirous of having a House of that form, could it be contained in the space between the existing house and the library?—The House itself might, but not the necessary accommodation for division lobbies.

454. There is no accommodation in France for Members except upon the area floor, I think, is there?—There are a great many committee-rooms and libraries; there is a good deal of accommodation of that sort.

455. But there is no accommodation for Members in a gallery?—There is no Members' gallery.

456. And the space in reality appropriated to Members in the French House is very much larger than what is really required, is it not?—It is so.

457. What is done with the extra space?—The benches are taken away, I think, that is all.

458. Every Member has the accommodation of a writing desk, has he not?—Every Member has a separate desk.

459. Do Members occupy the same place constantly?—I believe they do; I rather think their names are on their seats.

460. Mr. *Beresford Hope.*] Did you ascertain whether the House held all the Members of the legislative body for which it was built, namely, the old Chamber of Deputies?—It was built to hold 500 Members.

461. Mr. *Waldegrave-Leslie.*] In what year was it built?—I do not know.

462. It was built during the old Parliamentary régime, was it not?—Yes; it was built for a chamber of 500 Members, and there are 500 seats in it.

463. *Chairman.*] What is your opinion with regard to the semicircular form of arrangement as compared with our form, the rectangular system?—I should consider the semicircular form very unsuitable to the House of Commons; it may be suitable to the system of speaking from a rostrum, but I do not think it would be adapted to our Parliamentary system.

464. Would there be any difficulty in a Member rising up in his place in a semicircular House and addressing the House as well as in a rectangular House?—I should be inclined to think so.

465. Sir *Charles Lanyon.*] You are not aware that they have abandoned the rostrum now in Paris?—No, on the contrary; I went over to see the House, and I heard a speech from the rostrum.

466. Mr. *Hankey.*] The Members are allowed to speak from anywhere now, I believe?—I have heard a speech by M. Rouher, and another by Baron Jerome David; they were both speaking from the rostrum.

467. Mr. *Darby Griffith.*] Is not it the case that the rostrum has been lately restored, but that Members spoke from their places during the whole of the present empire until the rostrum was lately made use of again?—I believe that is so.

468. Therefore the practice of Members speaking from their places, though it existed during the whole of that time, was no impediment to speaking and hearing properly in the House?—No, but the whole number of Members is very small (it is 283), and the speaking takes place from the front rows principally.

469. *Chairman.*] There is no gangway up the House, is there?—Yes, there are several gangways radiating like the spokes of a wheel.

470. But for any person coming into the House, is there any entrance with a gangway right up the House?—No, they enter at these doors at the side (*pointing to the plan*) right and left of the President's seat.

471. Mr. *Beresford Hope.*] Where do the Members come in?—At these side doors.

472. What are the lobby arrangements in the French House?—There is a great hall here (*pointing to the plan*), but the public are not admitted to it; the public are kept outside altogether.

473. There is no accommodation for constituents and agents to meet the Members?—Yes, outside there is a great hall, here (*pointing to the plan*).

474. Mr. *Hankey.*] The Salle des pas Perdus they call it?—Yes.

475. Mr. *Beresford Hope.*] Is it a hall to which strangers are not admitted?—Strangers, ordinarily, are not admitted; whether people might not be admitted, if they had business there, I do not know; perhaps they might, but it is not public, generally.

476. *Chairman.*] Is there anything corresponding to our bar in the Corps Législatif?—I think not. I did not see anything.

477. Do you know what are the acoustic properties of the house?—The architect in his description says, speaking of the acoustics, "In the Chamber of the Corps Législatif when the speaker is careful not to turn himself sensibly to one side, his voice is clearly heard from all sides." That refers, I presume, to a speaker from the rostrum. "The position in which the speaker should be placed in regard to his hearers also decided the height of the tribune. The highest of the steps on which the deputies are placed being, as we have said, 8 feet 9½ inches, the heads of the hearers seated on the benches of this step being 13 feet ¾ inches above the ground; the floor of the tribune has been raised 3 feet 7⅞ inches, so that the mouth of the speaker is at an average height of 9 feet 6¼ inches."

478. *Chairman.*] Do you know how many rows there are in the house now occupied by deputies?—There are eight rows now occupied by deputies.

479. Mr. *Beresford Hope.*] You mean eight concentric rings, do you not?—Yes.

480. Mr. *Waldegrave-Leslie.*] It is a very easy chamber to hear in, I believe?—Certainly it is easy to hear a speaker from the tribune.

481. Not elsewhere?—I cannot say. I cannot speak from my own experience as to that.

482. Mr. *Darby Griffith.*] I think the space you would have at your command in the new House you propose, would be 68 feet in the breadth, besides two corridors of 30 feet each; that would make 138 feet, would it not?—Yes.

483. Therefore, that would allow corridors on each side of about the same width as at present; it would enable you to have the House 100 feet wide, in fact?—It would.

484. *Chairman.*] Is there any explanation given of the mode in which the House is lighted?—Yes, the lighting by day is by a semicircular skylight, being in fact a flat glass ceiling. That ceiling

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ceiling occupies the space that is over the level floor of the House, and the lighting at night is by gas burners placed over the glass ceiling.

485. Is not that flat glass roof very hot in summer?—The architect says nothing upon that subject in his report. I would observe, that I did not mean to say that the skylight was open to the weather; there is a space in the roof just as there is in the House of Commons now.

486. Lord *John Manners.*] If I recollect right, there is some statement in that report as to what the effect would be if the French Chamber sat much at night?—Yes, there is; the architect states that the small number of sittings at which artificial light is used, and the short time during which it is used in those sittings made it impossible to think of making use of the heat caused by the lighting for the ventilation of the Chamber; therefore, the lighting is one thing and the ventilation is another thing, and is on quite a separate system; but he says nothing about any heat caused by the system.

487. *Chairman.*] The glass ceiling communicates with an upper chamber, as I understand it?—It does.

488. Is that upper chamber lighted from the sides, or from the top?—From the top.

489. So that it is only like what a double glass ceiling would be?—It is.

490. It is, in fact, two glass ceilings with a space between?—It is so.

491. The two glass ceilings, of course, would diminish the quantity of light that comes in from the top?—To a certain extent they would.

492. Is the chamber sufficiently light, do you think?—I should consider the Chamber of the Corps Législatif not sufficiently light.

493. Mr. *Hankey.*] Do you mean by day?—Yes, the aspect is rather gloomy.

494. *Chairman.*] And probably a similar building, similarly lighted, would be still more so in this country?—Yes, with the same amount of sky-light; but the size of the skylight is very small as compared with the size of the chamber.

495. What would you say of that system of lighting, as compared with ours, of having windows at the side?—I think it is much better to have windows at the side, even if they are only auxiliary to the general lighting.

496. With respect to the lighting at night of the Chamber of the Corps Législatif, that is much the same as the lighting of the present House of Commons, I think?—Yes. The architect says, "The lighting by night presents this peculiarity: the light of the gas has to pass through the same glazed ceiling as the day light; and since the transition to what we have called the lighting by night had to be insensible, the solution of the problem demanded some care. This transition is managed as follows: When the day begins to close in, on the order of the President, two lines of gas jets are lighted, which follow the direction of the concentric iron bars carrying the glass of the ceiling, and then a kind of chandelier carrying clusters of gas jets is moved on wheels by the aid of a windlass and placed in the middle above the glazed ceiling. This chandelier is furnished with iron reflectors, and then a set of reflectors are lowered from the circumference of the glazed ceiling so as to provide the ceiling with a reflecting covering."

497. Then the gas apparatus is in a chamber intermediate between the skylight of the chamber and the upper skylight?—It is.

498. And they seek to make the change from daylight to gas light perfectly continuous?—Yes.

499. They do so by gradually increasing the quantity of gas light as the day light diminishes?—That is so.

500. Is the lighting good by night, in your opinion?—I should say it is not sufficient.

501. You think that the system is not so good a one as that which you recommended with sun burners?—No, I do not think it is so good.

502. And it does not in any way contribute to the ventilation of the chambers?—No, the ventilation is on the descending principle.

503. Will you be so good as to explain to us the system of ventilation?—The air is drawn from the exterior from various orifices in the lower part of the building, some under the steps of the portico and some elsewhere, and is conducted on the low level along air conduits into a chamber which is called the mixing chamber. There it is heated by means of furnaces to the required temperature. It is then conducted up flues in the walls and in the staircases round to a chamber at the springing of the cove, and from that chamber it enters the House up at the top. There are other subsidiary flues, but that is the main flue which supplies the House. There is another which supplies the upper gallery, and here is another which supplies the lower gallery, and there is a third which comes out at this level (*pointing out each of the flues on the Plan*). The theory is that the fresh air comes in from these flues, and descends in all parts of the House, and is then sucked out through apertures in some of the gangways. Having been so sucked out, it is then carried up a shaft to the top of the building.

504. It is heated down below the House?—It is heated down below the House.

505. How is it heated; is it heated by hot water apparatus, or what?—It is heated by means of furnaces.

506. The hot air is then carried up to a chamber above the House?—It is.

507. And then it is sent into the House from above?—That is the system.

508. And then it emerges from the House at the bottom?—That is so.

509. Do you think that that is as good a system as having the air sent from below upwards into the House?—I think it is a very complicated system.

510. Is not it going against nature in forcing the hot air downwards?—I think it is; and therefore it must need a great deal of mechanical contrivance to overcome the difficulties.

511. Is there any contrivance for suction to get it out at the bottom?—There is the suction caused by the length of the upcast shaft, and by iron flues put into that shaft.

512. Sir *Charles Lanyon.*] There is no mechanical contrivance, such as fans?—No, there is no fan.

513. Then the suction depends merely upon the height of the extracting shaft and the rarifying of the air in it?—And the heat of the furnace; there are flues in it.

514. Mr. *Hankey.*] Is there anything to force it up in the first instance after being heated below?—Nothing but the suction power caused by that upcast current.

515. *Chairman.*] What is the practical result of the system; is the ventilation good or bad?—That is a question which of course requires a considerable

considerable amount of experience to enable one to answer it.

516. Perhaps you are not in a position to state that?—Not of my own knowledge; but I can tell you what the architect says upon the subject. He says of the system: "If we had to express our opinion upon it, we should say that, correct in its principles, it is insufficient in its application."

517. The House does not sit, I think, for any very great number of hours?—It sits by day chiefly, but it sometimes sits a good many hours. The architect does not give the average length of the sitting.

518. Is the air cooled during hot weather?—I do not think it is. The architect speaks in his report of bringing it in at the temperature of the cellars; but it might be cooled, no doubt, by putting ice in the cellars. "The summer ventilation differs in nothing from that used in winter, except that the air of the cellars coming from the reservoir of cold air is introduced into the chamber at the temperature of the cellars themselves, which varies from 57 degrees to 59 degrees Fahrenheit."

519. Then in summer time there is an injection of cold air from the top?—Yes.

520. That is more in conformity with what we may call natural principles, because cold air would have a tendency to sink downwards?—No doubt.

521. But your opinion is, that that system of ventilation is not so good as that which is now in operation in the existing House of Commons?—I think not; but Dr. Percy states that he has no difficulty in applying the downward system to the present House, and, as a matter of fact, he has done so occasionally in summer.

522. Sir *Charles Lanyon.*] Are you not aware that almost all the model prisons which have been constructed of late years have been constructed upon the same principle of ventilation as that adopted in Paris, namely, the downward principle of admitting the fresh air above, and extracting it below by suction?—There might be special circumstances adapting it for a prison which would not apply to a legislative assembly.

523. Why so; its application is more complicated in a prison?—It may be of great importance to prevent a prisoner getting access to the inlet of the ventilation.

524. *Chairman.*] Would you have any difficulty in making plans from those sent from France, but on a reduced scale, so that they might be bound up with our Report?—No, there would be no difficulty in doing that at all. Perhaps the plan of the House itself had better be of the same scale as the larger plans in the Appendix of last year, and the plan of the surroundings to a smaller scale.

525. Will you be so good as to have drawings prepared for that purpose?—I will.

526. Will you hand in that explanation which has come from France, to be published with the Appendix?—I will; it comes from the Board of Works.—(*The same was handed in.* Vide *Appendix*).

527. Mr. *Beresford Hope.*] Have you examined the Senate House in Paris?—Yes. We have had no plans sent over from France of the Senate House, but I have examined it personally, and made a plan of it.

528. Does it give you any information that is worth our hearing?—I do not think it does. It may be described as the same as the Chamber of the Corps Législatif, only on a smaller scale.

529. I suppose it was originally fitted up as a House of Peers, at the same time that the other was fitted up as a Chamber of Deputies?—I imagine so. I think it might be well for me to hand in a plan of the Senate House at the same time as the other. Generally, I think, the description given of the Corps Législatif applies to the Senate House.

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530. Is the system of ventilation the same?—They seem to have no special system at the Senate House, except that they warm the chamber when necessary.

531. Was the system of ventilation in the Corps Législatif comparatively recently introduced, or was it part of the original construction?—I believe it was comparatively recently introduced, because the architect complains of having to adapt his system to an existing building.

532. Was the system of lighting at the top introduced comparatively recently?—I think not; I think it was always the same.

533. It was always a glass ceiling with gas lights outside?—I think so.

534. Mr. *Waldegrave-Leslie.*] How many senators are there in France?—I cannot answer that question from memory, but the number is very small.

535. You do not remember what the accommodation is?—No, I do not.

536. *Chairman.*] Now, will you produce the plans of the Berlin House?—These are the plans (*producing the same*). The description of the House of Representatives at Berlin starts by saying, that the building was not erected for the purpose to which it is now applied, and that therefore it is more or less of a makeshift arrangement, and that this makeshift character of the arrangement became more strikingly apparent, when, in consequence of the events of 1866, the number of Representatives was increased from 352 to 432.

537. It is a rectangular room, I think?—Yes.

538. Will you give the dimensions of it?—The size of the chamber is 92 feet by 47 feet; it is 41 feet high; and in addition to that there are extensive galleries outside the House.

539. But those galleries communicate with the House, do they not?—Yes; the dimensions I have given are those of the body of the House, and beyond that are galleries extending to a considerable extent.

540. There is communication from these galleries through a kind of windows, is not there?—Through the columns. Here is a plan of the upper floor of the House (*producing the same*), and here are the galleries along that end and the two sides.

541. You do not mean that the galleries increase the dimensions above?—Yes; the dimensions on the floor of the gallery are very much larger. The dimensions on the gallery floor are 131 feet in length, and 64 in width. This section of the House shows the gallery and the columns.

542. How are the dimensions of the area floor as compared with the dimensions of our House of Lords?—The House of Lords is 84 feet by 45.

543. So that the area floor is longer and broader than the House of Lords?—Yes.

544. And in addition to that the upper portion of the chamber is very considerably larger than the lower part?—It is.

545. Therefore the whole building is very much larger than the House of Lords?—It is.

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546. What is the height of the House of Lords?—Forty-six feet.

547. Do you know from personal experience whether that is good for acoustic purposes?—I have not seen the Berlin House. The architect says, "As to the acoustic properties of the hall, it may be observed that the oblong form, and the position of the speaker's rostrum at the side are unfavourable; notwithstanding which the Members are able to hear very well. The effect in the galleries is less satisfactory, particularly in that behind the President, and, therefore, at the back of the speaker. This difficulty might have been overcome by placing the speaker in a different position; but this was rendered impracticable with reference to the situation of the entrances and the general arrangement."

548. The speaker is in the centre of one side, is he not?—Yes, the arrangements appear to resemble the French arrangements as to the position of the orator.

549. Is there a tribune?—Yes, it is called a rostrum in the Report from Berlin.

550. Where is that?—In front of the President; in a similar position to that of the tribune in the French House.

551. Mr. *Waldegrave-Leslie.*] Do the Members always speak from the tribune, or from their places?—I think they speak from the tribune.

552. Do the deputies sit on raised benches, or only on the floor?—On slightly raised benches.

553. What is the accommodation for deputies?—There is accommodation for 432 deputies.

554. Mr. *Beresford Hope.*] How many Members are there?—432.

555. There is accommodation for everyone?—Yes.

556. And all on the floor?—Yes, all on the floor.

557. *Chairman.*] All the benches are placed towards the centre of the House?—Yes.

558. And across the House, not longitudinally, but laterally?—Yes.

559. They are entirely cross benches, like the cross benches in the House of Lords, are they not?—Yes.

560. Mr. *Beresford Hope.*] What was the hall used for before it became the House of Parliament?—The building consisted formerly of the official residence of the Chancellor, with the offices of the Minister of State; it was altered in 1848.

561. What was this particular large room formerly?—This room was constructed by an alteration in 1848.

562. I understood you to say, at the beginning of your evidence, that it was only a make-shift?—Yes, they then built some parts up, and altered and enlarged others, and created this big hall.

563. Then this hall was created as a House of Legislature?—Yes, the hall was.

564. *Chairman.*] It appears that the architect does not approve of the principle of the orator being on the side of the House?—That seems to be the tendency of his remark. This quotation will answer the question that was put to me just now. The architect says, "The interior arrangement of the hall of assembly, which is shown in the drawings, is in the main features the same as that formerly existing," that is, before 1848.

565. Mr. *Darby Griffith.*] The tribune or rostrum is in front of the President, in the French House, is it not?—Yes.

566. *Chairman.*] At Berlin the President is in the middle of the longest side of the rectangle?—Yes.

567. What is your opinion of the advantage of that arrangement of the President of the assembly sitting in the middle of the longest side of the rectangle, and of the benches being wholly cross benches, rising up on each side and facing towards the centre?—Assuming the shape of the House to be an oblong, I think the placing of the speaker in the centre is a good arrangement, provided he has a rostrum.

568. By the centre, do you mean the centre of the longer side or of the shorter side?—The centre of the longer side.

569. In the House of Lords it would be an improvement then if the Lord Chancellor sat in the middle of the longer side?—If the Lord Chancellor has to address the House.

570. Supposing he has not to address the House, but to preside over it, and the Members are, generally speaking, to address him?—Then I should think it was not a good arrangement.

571. Where should you think would be the best place for the tribune in a House of that construction?—I think the present position of the tribune in the Berlin House is the best, if you are to have a tribune.

572. Would you have the benches cross-benches or following the line of the longer side of the House?—Assuming the arrangement of the tribune to exist, and assuming also the oblong plan of the House, I think the cross-benches are a better arrangement.

573. Mr. *Beresford Hope.*] What do you mean by the cross-benches?—These (*pointing out the same*).

574. Mr. *Darby Griffith.*] These are not cross-benches in our sense of the term?—No.

575-7. They are longitudinal with the Speaker?—They are what I should call transverse benches; they are transverse with reference to the longitudinal side of the House. I think the semicircular form is a very good form for a House that is addressed from a rostrum, and, inasmuch as this arrangement approximates to a semicircular arrangement more than a longitudinal arrangement, I think it is, so far, a good arrangement.

578. Mr. *Waldegrave-Leslie.*] Do you happen to know the name of the architect?—No, I do not; the plans are signed by the Royal Inspector of Buildings, Herr Blankenstein.

579. *Chairman.*] Are there any other observations you have to make upon this plan?—No.

580. Mr. *Waldegrave-Leslie.*] I do not think you have given the accommodation for strangers?—I think there is accommodation for about 200 strangers.

581. What accommodation is there for ladies?—I do not think there is any for ladies specially; there are no places marked for them.

582. Do the Government reporters and the newspaper reporters sit in the body of the house?—The reporters for the press are in a gallery, but the shorthand writers of the chamber are in the body of the house.

583. What is the accommodation for the huissiers, or official persons?—I have not got that given to me in detail.

584. *Chairman.*] Can you tell us what is the principle of ventilation adopted at Berlin?—"The warming of the building is effected partly by separate stoves, and, to a small extent, by hot-water pipes; in the hall of assembly with air heated

heated by steam pipes combined with a system of ventilation." The air enters the hall about 10 feet above the floor, and the architect adds, "no draught is felt by anyone." "The removal of the vitiated air and cooled air is effected by suction through the draught created in the chimney shaft from the boiler furnaces." It appears to be somewhat similar to the French plan. "The openings through which the vitiated air is removed from the hall are placed as near as possible to the point where the vitiation is caused, namely the floor," so that this is also a downward system of ventilation. "They are principally formed in the risers of the steps," and then they are carried up that shaft (*describing the mode of ventilation upon the plan*).

585. How is the house lighted?—It is lighted by chandeliers.

586. By burning candles? — The architect says, "the lighting of the hall is effected in the day-time partly by the windows situated at the back of the galleries on two sides, but chiefly by a skylight occupying the centre of the ceiling throughout the whole length of the hall. This skylight has triple glazing level with the ceiling; there is double glass, diapered ground glass below, and plain ground above; level with the roof there is double glazing of green tinted ground glass. The skylight affords an ample supply of light in the dullest weather, while on the other hand, in the brightest sunshine that has occurred, the light has not been found too dazzling." I have no doubt that they burn gas in the chandeliers, but I do not see it stated that it is so.

587. I suppose the house sits more frequently by day than it does by night?—Yes.

588. There are no remarks specially concerning the effect of the system of lighting by night?—No, there is nothing in this report about it.

589. Viscount *Cranborne.*] Can you give the cubic feet in that house?—I have not worked it out, but it is very much larger than the House of Lords.

590. What relation does it bear to the House of Commons?—The House of Lords is considerably larger than the House of Commons.

591. You cannot give its cubical contents?—I must work it out; I have not got it ready.

592. Lord *John Manners.*] Does it occur to you from having looked at those plans, and having read that report with reference to the Berlin House of Deputies, that any valuable hints can be obtained from them, with respect to the subject matter of our enquiry?—No, I think not; I do not think it a good plan.

593. Mr. *Beresford Hope.*] There is a House of Lords in Prussia also?—Yes, this is the plan of the House of Lords in Prussia (*producing a plan*). It is 57 feet by 55 feet, and 36 feet high; it holds 245 members.

594. And how many strangers?—About 250 strangers. I should add, that the galleries are in addition to the dimensions I have given. The dimensions on the gallery floor are 84 feet by 66. The architect states that, "since the increase in the number of the members of the House of Peers, in consequence of the enlargement of the kingdom of Prussia (and a still further increase is in contemplation), these deficiencies have been more realised, so that a plan is now under consideration for reconstructing and raising the building."

595. Mr. *Darby Griffith.*] What is the difference?—I do not know. As regards ventilation the architect states, that "no special arrangements were made for ventilation, as from the small number of the Members in proportion to the size of the hall, no perceptible deterioration of the air was perceptible, and it was not till the introduction of gas lights, on the opening of the Reichstag, that it was thought necessary to provide six air ducts over the ceiling for conveying the heated air through the roof; the up draughts in these is maintained by gas jets."

596. Mr. *Beresford Hope.*] Is this hall one which existed before and was adapted, or was it built for its present purpose?—I think this is one that they had before. The architect says, "after the fire in the former hall of session in 1851, this building was appropriated for the use of the then Upper House, and was fitted up for that purpose."

597. Lord *John Manners.*] It was not built especially for this purpose?—No.

598. Mr. *Beresford Hope.*] Does it belong to the same range of building as the lower House?—I think not.

599. *Chairman.*] This is 55 feet square on the floor?—It is 57 feet by 55 feet.

600. And the plan you have suggested to us is 63 feet square on the floor?—Yes.

601. So that this is similar in form but smaller in size than yours?—Not quite similar, because I have cut the corners off in my plan, whereas this has not got the corners cut off.

602. What is the difference in size between this and the plan you propose?—I have not worked it out.

603. Supposing the arrangements of a square be adopted, what do you think of this plan of arranging the place of the President, and the places of the Members?—That question of arrangement turns entirely on the existence of a tribune. With a tribune this arrangement seems to me a very good one.

604. Mr. *Darby Griffith.*] And that question of a tribune is not an architectural question so much as a Parliamentary one?—Certainly not.

605. And, therefore, it is not so much within the cognisance of your department?—Of course I can only carry out arrangements that are decided upon; upon that point I have no opinion to give.

606. *Chairman.*] Of course, if we adopt the principle of a square, it is very important to get whatever hints we can from any other square house in existence. Can you derive any hints from the Berlin House to assist you in any way?—I think not; the principle that is at the root of the arrangement there is entirely different from our own.

607. What is that?—The principle of a tribune is quite different to that of Parliamentary speaking in the House of Commons.

608. What do you think of that principle by which the President is placed a little out of the square in a recess?—I see no objection to that.

609. Lord *John Manners.*] Can you tell us whether there is a gallery over his head in that case, or not?—There is no gallery over his head.

610. Is there a gallery over the two sides of the House?—There is a gallery over these chambers, which answer to our Division Lobbies.

611. But is there a gallery over that space at the same end of the House as is occupied by the President?

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President?—There is no gallery, but he is in a recess.

612. Sir *Charles Lanyon.*] You mentioned 65 feet square as the size of your proposed new House. Will you state what is the area floor you propose in your plan?—Sixty-three feet by sixty-three feet.

613. It is 74 feet upon the upper floor, is not it?—Yes, 74 feet long by 71 feet wide.

614. Viscount *Cranborne.*] Have you any information with respect to the acoustic properties of those halls at Berlin?—The architect states in both cases that the hearing is good, but I have not seen them myself.

615. But he does not state in any detail whether any complaints are made about it, or whether any difficulties have arisen?—No.

616. The whole question is an acoustic one, is not it; if you were merely asked to place a certain number of gentlemen upon the floor of the House, you would not have any difficulty in doing it?—No, the whole difficulty in the House of Commons arises, no doubt, from the speaking from different points. There are other reports from abroad, but from Brussels and from Vienna the communications are to the effect that there is nothing to be said at all.

617. Mr. *Darby Griffith.*] Those Houses are both circular, are they not?—I have not seen them; Lord Howard de Walden says that information about the Brussels House is quite unlikely to be of the slightest use to the Committee, as the Chambers have no particular merit; they are very small, and on the model of the French Chamber; the number of Members at Brussels is 58 Senators and 116 Deputies; from Vienna the news is that the building is now merely a temporary one, and that they are considering plans for a new one.

618. Lord *John Manners.*] You have seen those plans, I think; they were published in the "Builder"?—Yes, there were some published a short time ago.

619. Lord *Elcho.*] Does that communication state what the size of the new Vienna House is to be?—No.

620. Nor the cost?—No, it gives us no information.

621. Do you know at all what was the cost of the temporary House in this country after the burning down of the Houses?—I do not know of my own knowledge; but I have been told that it was 12,000 *l.*

622. Supposing that on the site you have selected a temporary House was to be erected, could you erect there a House which would not interfere with anything that was done afterwards, at a reasonable cost, in order to try acoustical experiments as to seating and shape, and other conveniences?—I am afraid the cost would be very great if those experiments were satisfactorily tried.

623. Assuming that it was intended to have a new House, and that that new House was to be upon the site selected by you, could the foundations be so arranged that you might try acoustical experiments in a temporary House as to shape and as to seating, at a reasonable cost?—It is almost impossible to say what the cost would be, and whether it would be reasonable or not; but of course it could be done.

624. Could it be done for the sum you have just mentioned as having been the cost of the old temporary House, namely, 12,000 *l.*?—I think not, because the old temporary House was smaller than would now be required.

625. That is to say, if you erected it entirely irrespective of what was to follow; but if the foundations were to serve as the foundations of a future House, would it necessarily be very expensive?—I think that would be a very difficult thing to do, and costly, because all the accesses would have to be carried up and provided for.

626. Sir *Charles Lanyon.*] You would have to take the refreshment rooms down before you commenced your temporary building, would you not?—Yes.

627. Lord *Elcho.*] It is proposed, is it not, to have new refreshment rooms?—I have assumed that in my plan; but there has been no plan before the Committee for it, nor has the cost of the new rooms been considered.

628. The present refreshment rooms are considered very inconvenient, are they not?—Yes.

629. And plans have been made with a view to changing the position of the refreshment rooms, and taking the present ones away entirely, have they not?—I believe so.

630. *Chairman.*] Have you got the plans of the Washington House?—I have (*producing the same*). A letter from the Washington Embassy, from Mr. Ford, says: "I have now the honour to transmit to your Lordships copy of a note, together with its enclosures, that has been addressed to me by the Secretary of State, in reply to a request I made to him, in accordance with your Lordships' instructions to that effect, to be furnished for the use of a Select Committee of Parliament, with information and plans concerning the construction of the Capitol of the United States. I should state, however, that the Chambers of the Senate and of the House of Representatives at the Capitol can hardly be considered as eligible models for the use of deliberative assemblies. The acoustic properties of the Lower House are extremely imperfect, and in the Senate the ventilation is so defective that a Committee was some time ago appointed to inquire into the best means of remedying it, and a plan was proposed by which the roof of the building was to be raised. A Bill of Appropriation, however, to carry the alterations into effect, failed to pass the Lower House, and no further action has for the moment been taken in the matter. During the summer fresh air is introduced into the Senate by means of flues, in which layers of ice are placed." So that, in the judgment of the writer of that despatch, we ought not to imitate the Washington Houses.

631. What is the size of the Washington House of Representatives?—The House of Representatives at Washington is 139 feet by 93 feet at the top.

632. Mr. *Baillie Cochrane.*] Is it a square?—No, it is an oblong fitted up on a semicircular arrangement. Those are the dimensions of the upper part of the House.

633. Lord *John Manners.*] What are the dimensions on the ground floor?—The dimensions on the ground floor are 112 feet by 74 feet.

634. Mr. *Darby Griffith.*] That is only slightly larger than the French House, is it not?—The French House is only 112 feet, this is 139 feet long.

635. *Chairman.*] Have you examined the plans of the Washington House of Assembly?—Yes.

636. Are there any hints to be derived from that House?—I do not think that it can be of much

much use to us, especially having regard to the opinion from the embassy, which I have read.

637. Sir *Charles Lanyon.*] Do the Members speak from a tribune in the Washington House?—I do not know whether they speak from a tribune or not, but there is a tribune upon the plan.

638. Does it say in the description whether they speak from a tribune or not?—We have no description of it generally; we have several printed documents giving information about the heating and ventilation, but there is no general description beyond the letter of Mr. Clark, the architect, which does not go into detail.

639. *Chairman.*] Is there anything in the lighting or ventilation of the Chamber at Washington, that you think might be of use to us?—There is nothing that I can gather from these plans. There is a glass ceiling there, as there is in the other chambers we have discussed.

640. We have also a plan from Florence, I think?—Yes, the Senate House is in the Palace of the Uffizzi; it is 84 feet long by 67 feet wide, and 47 feet high. It is lighted by four windows in the east wall, and at night by gas. The ceiling is coved, the centre being flat. The acoustic properties of the senate chamber are said to be good; there is no special system of ventilation.

641. Lord *John Manners.*] Does the report say of how many members the Senate consists?—The benches for the senators are 372. The Chamber of Deputies is in the Sala dei Cinquecento of the Pallazzo Vecchio. The chamber was originally built for the Popular Council proposed by Savonarola towards the end of the 15th century; the massive ceiling is all that remains of that date. The total length of the hall is 184 feet by 73 feet, and 62 feet high. The hall is divided into two parts, as it is too large for the chamber. The space given to the chamber is 115 feet long, 73 feet wide, and 62 feet high. The arrangement of benches is that of a long amphitheatre.

642. Viscount *Cranborne.*] How is it divided?—It is divided by a partition, the President's tribune being against the partition.

643. Lord *Elcho.*] Do the members speak from a tribune?—No. The report goes on to say, "The acoustic properties of the chamber are very bad. In the galleries it is very difficult to hear, and in many instances the speeches are almost inaudible. I have gathered from persons connected with the chamber that the 'acoustics' are as bad as they possibly can be,' 'and that the chamber is inconvenient and unfit for the purpose for which it is used.' The members speak from their benches." This is the arrangement of it; it is like a theatre (*explaining the arrangement of it upon the Plan*). "There are 492 seats, each seat being distinct, and two feet wide."

644. *Chairman.*] Will you put in plans of all those buildings upon the scale we have already spoken of?—Yes.

645. Will you also put in the reports from which you have quoted with reference to each of the foreign chambers?—I will.—(*The same were handed in.* Vide *Appendix*).

646. Lord *Elcho.*] With reference to the question of a temporary house, assuming that it is decided to change the present House altogether, and to build a new one; assuming that your plan as to the site is to be recommended; assuming that the present House is to be the lobby; assuming that there are to be new refreshment rooms, and assuming that there are to be Ministers' rooms, part of a large general scheme, with a new House in the centre of it; there would be no constructive difficulty, would there, in completing that part of the plan I have referred to, making the present House the lobby, making Ministers' rooms, making new refreshment rooms, and other external arrangements, and then making another House in the middle of that, leaving the central part of the House till the end?—No, there would be no constructive difficulty at all.

647. The only points on which difficulties may arise when you erect a House are these, are they not,—whether it will be acoustically good, whether the ventilation will be good, whether the seating will be good, whether the warming apparatus will be good, and whether the lighting apparatus will be good?—Yes, no doubt.

648. Do you think that any architect could undertake to say, with whatever information he might acquire from experience in the building of similar houses, that, given the space of ground, he could construct a House which in all those respects would give satisfaction, and that there would be no probability of any further money being expended for improvements in any of those respects, namely, for the ventilation, warming, lighting, acoustics, or seating?—I should doubt the power of any one to give such an undertaking under any circumstances.

649. Do you think that the odds are that in some of those respects the public money will have to be expended in making alterations if a new House is built on the site you propose?—I can hardly give an opinion upon that point.

650. But the probability is very great that that will be the case, is it not?—That is a question for you to decide.

651. I ask you as an architect; the probability is, that in some of those respects there would be a want of satisfaction given, and that public money will have to be expended in further improvements; is not that so, having regard to the difficulties of construction?—I think, as regards giving satisfaction, it will be impossible to satisfy everybody, but whether a further expenditure of public money will follow or not, I cannot say.

652. Viscount *Cranborne.*] Everybody's not being satisfied may arise from the difficulty of everybody to be satisfied?—Yes, precisely so.

653. Lord *Elcho.*] Assuming that there is to be a change, I think you have said that constructively there would be no difficulty in completing the other parts, that is the general arrangements, and leaving the central part of the House. Do you think it would be necessary, or desirable, to have a temporary House in which those experiments I have referred to might be tried?—I should think it would not be necessary.

654. Assuming that the construction of a temporary House cost not more than 15,000 *l.*, do you think it could be done for 15,000 *l.*?—It is impossible to say what the cost would be without going into it more carefully than I have been able to do. All I said was, that I understood the old House cost 12,000 *l.*

655. Could you go into that, and give us an estimate of what such a temporary House might cost. I mean by a temporary House, one that is comfortable and convenient, and will not be more likely to give the Members rheumatism than a completed House would?—I can certainly estimate that.

Monday, 30th March 1868.

MEMBERS PRESENT:

Mr. Baillie Cochrane.	Sir Frederick Heygate.
Mr. Cowper.	Mr. Beresford Hope.
Mr. Darby Griffith.	Sir Charles Lanyon.
Mr. Hankey.	Lord John Manners.
Mr. Headlam.	Mr. Waldegrave-Leslie.

THE RIGHT HON. T. E. HEADLAM, IN THE CHAIR.

Mr. EDWARD M. BARRY, A.R.A., called in; and further Examined.

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656. I BELIEVE you have some plans and a statement to hand in to the Committee?—Yes; I will hand in the plans which I have prepared according to the wish of the Committee, by reducing the plans furnished from abroad to an uniform scale for publication in the Appendix to the Report of the Committee. Those which I am able to hand in now are the plans of the two French Houses, and of one of the Berlin Houses; the others are not finished yet. I will also hand in a comparative statement showing the principal dimensions and the cubical contents of the Foreign Houses of Legislature, as compared with the English Houses of Parliament. I was asked some questions last time as to the cubical contents, which I was not then able to answer, not having calculated them; since that time I have put the information in a tabular form. (*The Plans and Statement were handed in,* vide *Appendix.*)

657. The Committee are now desirous of examining you as to the plan which you have yourself proposed for the new House of Commons; as I understand it, I think you propose to build it over the court that now intervenes between the House of Commons and the Library?—Over the court, and on the site of the present refreshment rooms.

658. Then before you could build upon that site, it would be necessary to take away the present dining-room?—It would.

659. And before taking away the present dining-room, it would be necessary to provide a new one?—Certainly.

660. Therefore, naturally the first question we should have to consider, would be the new dining-room?—I presume so.

661. You have a plan, I think, for the construction of a new dining-room?—Yes; I propose to place the new dining-room on the ground floor near to the smoking-room. (*The Witness explained the position of the proposed new dining-room on the Plan.*)

662. Mr. *Baillie Cochrane.*] You propose to make an access from the House to the dining room by a new staircase, do you not?—Yes, and I should carry that staircase up to the Committee rooms.

663. *Chairman.*] How long a time would it take to make the new dining-room, do you think?—It would take a year.

664. Would it take a whole year to make the new dining-room?—To finish it, it would certainly take that time, but it might be so far finished between Session and Session, as to be fit for occupation in a shorter time.

665. What is the site of the proposed new dining-room occupied by now?—It is occupied now by a number of small rooms, the walls of which are built in brick and vaulted, and support the floor above; they would have all to be taken out, and the floor supported in other ways.

666. What is the use to which those rooms are applied?—At present, the centre portion of the front is occupied exactly as these sides are by a number of small rooms; and each of the walls dividing those rooms helps to support the floor above.

667. Mr. *Beresford Hope.*] They are cellars, in fact?—They were built for cellars, but they were subsequently used as offices when the business overflowed to such an extent that more room was required.

668. *Chairman.*] What will be the dimensions of the proposed new dining-room?—The dimensions of the new refreshment room will be 72 feet by 42 feet, giving an area of 3,024 square feet.

669. What is the area of the existing dining room?—The area of the existing dining-room is 1,976 feet. The dimensions of it are 104 feet by 19 feet. The new refreshment room will therefore give an increase of more than 50 per cent., as compared with the existing one.

670. Mr. *Beresford Hope.*] I observe that you mark two public dining-rooms on your plan; does your new estimate include that?—I have not stated any estimate to the Committee yet for a new dining room.

671. I mean your estimate of area?—No, it does not.

672. The outside dining-room now is a public dining-room, so that in comparing the two together, you must contrast the area of our own private dining-room and the public dining-rooms, with what you will give hereafter?—Yes, clearly; there would be a large addition to the numbers accommodated. My proposition is, that this large

large room (*pointing to the Plan*) is to be strictly for Members of the House.

673. *Chairman.*] The new room that you propose to make is half as large again as the whole of the existing dining-room, is it not?—It is.

674. And the existing dining-room is partly for Members, and partly open to strangers as well as Members?—I believe it is.

675. In addition to the new Members' dining-room, you propose two other rooms, both of which you call public dining-rooms, do you not?—I do.

676. What do you propose those to be used for?—They exist at the present moment, at least one exists; that one (*pointing to the Plan*) exists as a public dining-room at present; this is devoted to other purposes, and I propose to fit it up also as a public dining room. The two rooms then would be used for the same purpose as the outside room of the present refreshment rooms, namely, for Members and the public.

677. Who uses this room which is marked here as "public dining-room" at present?—I am not aware that there is any limitation.

678. This public dining room, as far as you understand, is open to anyone who chooses to come there?—Yes.

679. What access would there be from the kitchen to the proposed new dining-room?—The kitchen is proposed to be in the centre. The Commons' dining-room would be on one side of the kitchen, and the Peers' dining-room on the other side; the public dining-rooms behind it, and the private dining-rooms also; they would all be served from the same central kitchen.

680. For what purpose do you propose that the private dining-rooms should be used?—For Members and their friends, in case they wish to dine privately, not in the public rooms.

681. Mr. *Beresford Hope.*] What provision do you make for a Member having a friend to dine with him; a thing which happens every day at present?—He could, in that case, use one of those private rooms, or he could dine with his friend in the outer room.

682. At present, there are two dining-rooms absolutely identical in their service, into the one of which you may bring your friend, but into the other you may not; it would be a great disturbance to our comfort if there were not the same identicality in service, and in other respects, in the proposed new dining rooms, as there is at present?—That is proposed to be provided for by these outer rooms, where people could dine as they do now.

683. Then the only people who would be damnified are the people who now use these puhlic rooms?—They would scarcely lose anything, be cause these would be chiefly used during the sitting of the House, when the public would not require them.

684. At present the people who use these rooms never come into contact with the Members, but according to your scheme the Members and their constituents or friends would use that room (*pointing to the Plan*)?—Certainly; they would have a prior claim.

685. *Chairman.*] What is the height of the dining-room you propose?—It would be the height of the present smoking-room, which is about 13 feet.

686. Mr. *Baillie Cochrane.*] That is very low for a dining-room, is it not?—It is as high as we could get it, having reference to the height of the floor above.

687. Sir *Charles Lanyon.*] What is the height of the present dining-room?—About 15 feet.

688. *Chairman.*] To what purpose are those rooms appropriated at present?—They are used at present for the Journals offices.

689. Both the space you propose for the Peers' dining-room, and the space you propose for the Commons' dining-room are occupied in that way?—Yes.

690. How do you propose to provide for the Journals offices?—By this arrangement: the space now used on the ground floor for the kitchens and offices of the Peers' refreshment room would be rendered useless for that purpose; I propose, therefore, to compensate the offices turned away from the river front by placing them in the part vacated by the Peers' refreshroom offices (*describing the same upon the Plan*).

691. Mr. *Beresford Hope.*] What occupies that space now?—The kitchens and offices of the Peers' refreshment rooms, which would become useless by the concentration.

692. *Chairman.*] Would it affect the external appearance of the building; would those windows be different?—I propose to alter the windows, and make three lights instead of two, but not otherwise to alter the elevation.

693. Mr. *Beresford Hope.*] Would you make a doorway on to the terrace?—That might be done; but the access would be very direct, as it is according to this Plan.

694. Mr. *Cowper.*] It is very near the door which is now next to the smoking-room?—Yes.

695. *Chairman.*] You increase the breadth of the windows?—Yes.

696. Do you increase the height of them also?—Yes, I should nearly double the size of the windows; the plan which I have handed in shows it.

697. You do not think that the enlargement of the windows would in any way interfere with the external appearance?—I think not; the centre of the river front is now a marked composition with a character of its own, and I see no objection to these windows differing from the windows at the sides.

698. Mr. *Waldegrave-Leslie.*] That would be at the centre of the building?—Yes; it would comprise the whole central mass.

699. Mr. *Beresford Hope.*] You would rather develope the centre, and make it more distinct than it is now?—Yes. I do not think it would injure it; it would introduce an element of variety in the front.

700. You put in that elevation as showing the external appearance the building would assume after the alteration of the dining-room?—Yes.

701. Mr. *Waldegrave-Leslie.*] Have you consulted the gentlemen who would be displaced by this arrangement of turning the present Journals offices to other purposes?—I have not gone into that at present.

702. Could you put the Journals offices in any other part of the building?—I am afraid not; I do not know where they could be put.

703. The great desire is to have them as close to the House as possible, for the sake of constant reference?—Yes; they would not be so close to the House of Commons under the new arrangement as they are now.

704. Where could you put them?—I do not know

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know whether they could be put here or not (*pointing to the Plan*); every corner is so occupied that I do not know where they could be placed.

705. Mr. *Beresford Hope.*] This elevation is not finished; it does not show what is window and what is wall?—No, it is not finished, but I think it explains clearly enough what is proposed.

706. Mr. *Waldegrave-Leslie.*] These rooms are occupied by gentlemen who are in constant communication with the clerks at the table, and while business is going on in the House they must have chambers where they can work conveniently in connection with the current business of the House?—Yes; I am not prepared at present to propose any arrangement for providing for them, very close to the House.

707. *Chairman.*] Is not it the case that a great portion of these rooms now used for Journal offices are used merely as store-rooms?—Yes.

708. Mr. *Waldegrave-Leslie.*] I think that is not the case?—I believe I am quite right, the whole slice out of the centre is so used; in fact, as it has no light, it could hardly be used for any other purpose.

709. *Chairman.*] So that the rooms which are required for actual use in communication with the House form but a small portion of those rooms which are now entitled the Journals offices?—Yes, they only form a portion; I cannot say that it is a small one; here is the plan of the existing arrangements (*producing the same*).

710. Mr. *Beresford Hope.*] At what point does the present House of Commons territory end, and that of the House of Lords begin?—About here, I think (*pointing to the Plan*); you will see that at least half of these are dark rooms, used as store rooms.

711. Mr. *Cowper.*] Do you think that there is space enough upon the river front to make such a re-arrangement as would subserve all the necessary purposes of these rooms?—I could not answer that question without going into considerable detail with the heads of departments.

712. Is it true that the whole of the river front is now occupied by the Journal offices and Library offices?—It is, with trifling exceptions.

713. I meant for both Houses of Parliament?—Yes, I assumed that to be your meaning.

714. It seems probable that, if we took away this centre from its present use, accommodation might be found conveniently in other parts of the river front for the offices which were displaced?—To do that, you would have to displace some of the existing accommodation, and I am not prepared to say without careful consideration, which would admit of being displaced with the least amount of inconvenience.

715. *Chairman.*] You know the House of Commons Library offices?—Yes.

716. They would be convenient, would they not, for the Journal offices?—I think they would.

717. And be easily accessible from the House?—Certainly.

718. As far as you know, there is no necessity for the Commons Library offices being at the particular place where they are now, is there?—I understand not.

719. If that be the case, there would be no difficulty in having the Journal offices in the place now occupied by the Commons Library offices, and transferring the Commons Library offices to another place?—Certainly, there would be no difficulty in making that arrangement.

720. Mr. *Cowper.*] You have made the Peers' Dining-Room of the same size as the Commons, Dining-Room?—I have.

721. Do you not think, from the manner in which the present Peers' Dining-Room is occupied, that they would not require so large a room as you have given them on the plan?—I think that is possible. I thought it better to make the arrangements in the first instance on a symmetrical scale; but the precise dimensions would be a subject for future consideration.

722. And if it was found that the Peers' Dining-Room need not be so large as you have stated it upon the Plan, you could easily keep the general features of the exterior, and yet cut off a portion of what is marked as the Peers' Dining-Room, could you not?—Yes, I could make the Peers' Dining-Room of the width of the present Commons' Smoking-Room, which would probably be large enough.

723. Mr. *Baillie Cochrane.*] The windows of the dining-room would be the exact size of these, would they not, with three lights?—Yes.

724. Sir *Frederick Heygate.*] Would the height of the new dining-room be only that of the new smoking-room?—It could only be the same, or perhaps a little more.

725. Would there not be a great want of ventilation in that case?—I think not; I think I could provide for ventilation, by opening the windows on both sides.

726. It is the case with the smoking-room at present?—I propose to make the windows twice as large as those of the smoking-room; to have windows on both sides instead of on one side only, as in the Commons smoking-room.

727. Would not that lead to there being a great draught, as you would have windows looking out upon the river front?—I think not.

728. Sir *Charles Lanyon.*] Would you be obliged to maintain those columns in the new dining-room?—I am not quite prepared to say that without some consideration; it would be a large span without columns for a fire-proof floor.

729. Mr. *Beresford Hope.*] Would you have iron or stone columns?—Those in the smoking-room are stone.

730. I mean in these rooms (*pointing to the Plan*)?—I propose to make them similar to those in the smoking-room.

731. Sir *Charles Lanyon.*] The span is about 40 feet?—Yes, if I did away with the columns, I should require iron beams of considerable depth, and that would diminish the height which is now none too great; I think the columns, by cutting up the room into bays, would not be inconvenient.

732. Mr. *Beresford Hope.*] On the other hand, the columns are a great interruption to the system of dining at little tables; the restaurant system of dining, which is the most comfortable and agreeable in every way?—I should have said that they rather lent themselves to that arrangement, by cutting the room up into bays.

733. If there were no columns, there might be three rows of tables or four rows of tables according to the crowd each day, whereas if you had columns, you could only have a fixed number of tables?—Columns, no doubt, are objectionable as regards occupying the space; but inasmuch as they

they cut up a large room into small compartments, I do not think they are very objectionable for such a purpose as this; it may be a question whether the columns would be necessary, but I should prefer not to be asked absolutely to decide that point at present.

734. Mr. *Cowper.*] Supposing the Members were in hot weather to desire to dine on the terrace, would the access from the kitchen be easy so as to enable their dinner to be carried out upon the terrace?—Perfectly so, without the servants entering the dining rooms.

735. *Chairman.*] Is the kitchen accommodation on this plan, quite sufficient?—According to that plan, it could be made so.

736. And all the other appurtenances; is there a sufficient larder?—All the necessary offices can be arranged on the basement storey.

737. Mr. *Cowper.*] Is this second smoking-room intended for the Peers?—It is for the Peers, or for those who use the private dining-rooms.

738. *Chairman.*] As regards the access from the House, I think that is by a certain number of steps up?—The access from the House is by a staircase, which is proposed to be carried up to the Committee rooms; the lower part of that staircase would come down to the refreshment rooms.

739. But it would be in reality nearer the proposed new House than the existing dining-rooms, only it would be on a different level?—Yes, it would be nearer as a matter of distance, but it would be on a different level.

740. Mr. *Darby Griffith.*] Those dining-rooms would be immediately under the Library, would they not?—They would be under some of the libraries and the Conference room.

741. At present the floor is vaulted, is it not?—It is.

742. You would propose to take away the whole of that vaulting, would you not?—Yes.

743. And replace it by iron beams?—I should replace it by an iron construction.

744. It would involve taking away the floor of the rooms above, I suppose?—It would involve the re-construction of the flooring of the rooms above.

745. *Chairman.*] Now we come to the question of your proposed House of Commons; I think, the House as you propose it, is 63 feet square, is it not?—Yes, it is 63 feet on the floor.

746. Does that occupy the whole space between the existing Division lobby and the corridor on the side of the Library?—Yes, it practically does so.

747. So that this House of 63 feet square occupies the whole space that is available?—Yes, with the passages round it.

748. But, if we wished, we could not make it larger upon that site?—I am not quite prepared to say that. The whole space occupied by the House and its appurtenances is 81 feet.

749. What do you call the appurtenances?—The corridors at the entrances at each end of the House.

750. And those corridors are quite essential, are they not?—They are essential to this plan.

751. And the Division lobbies are also essential to the plan, are they not?—I think so.

752. So that, practically, there is not really any more space upon that site available, if we wished to make the House of Commons larger than what you propose?—No; not upon the floor, as far as regards length.

753. Mr. *Beresford Hope*] Could not you get rid of the corridors next the present House, and make a sort of shed or lean-to corridor within the walls of the present House, and so carry the new House up to the main wall?—I do not think that could be done.

754. All the present House will be used as a lobby, and it will be a magnificently large lobby; we could easily dispense with a certain portion of it, and yet have a very good lobby indeed; why should we not, therefore, have an internal timber corridor carried round there, so as to leave all from there to there (*pointing to the Plan*) House?—I do not think that that would be a good arrangement.

755. I am only throwing it out for your consideration?—I had thought of it, but I rejected it as not being in my judgment the best arrangement. Of course, a great deal would depend upon the view of the Committee as to what the size of the House ought to be, and also with regard to its necessary accommodation. The accommodation I have provided for in these plans, I assumed, from what I gathered from the evidence that has been given and from other sources, would be sufficient.

756. *Chairman.*] What would be the access to the proposed House of Commons for any Peer coming into it?—The access would be exactly as it is now, excepting that he would have, in addition to entering the present House, to go into it, and turn to the right.

757. He would go into the lobby; that is, the existing House of Commons?—Yes, and turn to the right.

758. And that would be the ordinary access for all Members coming into the House, would it not?—It would be so.

759. What would be the access of strangers to the Strangers' Gallery?—The same as at present.

760. They would not come into that lobby?—They would not.

761. But anybody coming on to the area floor would come into that lobby?—Certainly.

762. Mr. *Beresford Hope.*] I suppose your objection to the suggestion I threw out would be as to the lighting of that side; would you want to preserve a well-hole, as it were, for the present windows on the south side?—No, only to a slight extent; because the galleries above would go up against the windows on the one side by the present House.

763. You do not want to preserve a well-hole on the river side of the House?—No, that is not part of my proposal. I propose to restore the windows on the side of the House next Westminster Hall. They were originally more than twice the size of the present windows.

764. Mr. *Baillie Cochrane.*] Plan D^1 gives the most accommodation, does not it?—Yes, Plan D^1 gives accommodation for a total of 569 Members.

765. Mr. *Hankey.*] Would there be any objection to making the House broader by diminishing the width of the two side lobbies, that is to say, the Division lobbies?—I think it would be an unfavourable shape for hearing.

766. But would there be any objection on account of the light?—No, there is no architectural objection, so long as it is not carried too far.

767. The side lobbies, that is, the Division lobbies,

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lobbies, will be much wider, according to your plan, than the two end lobbies?—Yes; the two ends are simply corridors of communication; the Division lobbies would perhaps be more properly called Division halls.

768. Mr. *Baillie Cochrane.*] They will be much larger than the present Division lobbies, will they not?—Yes, much larger.

769. Mr. *Hankey.*] Then, if it were not on account of making the House too wide for its length, there would be no architectural objection, as I understand, to diminishing the width of the lobbies?—None at all.

770. Mr. *Darby Griffith.*] They might be diminished, say, to the extent of 10 feet in width, that is, five feet on each side?—Yes; I should not think it desirable to do that, but it might be done.

771. What is the thickness of those large red masses we see upon the plan, representing, I suppose, the walls?—The wall appears to be much thicker than it is; it is five feet six inches on the level of the back seat of the House; but if you look at the gallery plan, you will see that it is in consequence of these recesses, and that on the upper level the thickness is only sufficient for stability (*pointing out the same upon the Plan*).

772. Mr. *Hankey.*] Could Plan D^1, to which Mr. Baillie Cochrane alluded just now, be adapted to your plan?—Yes; in all these plans the size of the House is identical; they only differ one from another in the different arrangement of the seating.

773. Mr. *Baillie Cochrane.*] Which do you consider the most convenient of all for the ingress and egress of Members to their seats?—I should say Plan D^3.

774. Mr. *Waldegrave-Leslie.*] What is the extent of the accommodation in Plan D^3?—It gives accommodation for 551 Members.

775. Mr. *Hankey.*] If the benches were thought to be inconveniently long, without an additional gangway, could that be obviated?—I have prepared these plans on different principles, in order to show the effect of the gangways in different positions. Both of these plans assume the bringing of the Ministers into the middle of the House. This plan of D^4 showing cross-benches (*pointing to another Plan*), is founded upon the principle of the arrangement of the present House.

776. Sir *Charles Lanyon.*] I see, since the last meeting of the Committee, you have put the cross-benches there?—Yes; I have done so to explain to the Committee the effect of that arrangement.

777. Mr. *Baillie Cochrane.*] Do you include the cross-benches in the number of seats?—Yes; according to the plan with cross-benches, which is Plan D^4, the total accommodation would be 559.

778. And how many without the cross-benches?—Without the cross-benches it would seat 499.

779. Mr. *Hankey.*] But those cross-benches would be entirely opposed to the existing custom of having direct access up the House of Commons to the Serjeant-at-Arms?—Quite so; they would be an innovation. I am not prepared to express an opinion upon it.

780. Sir *Charles Lanyon.*] They would be extremely inconvenient also, as interposing an obstruction between the Ministers and the Opposition, by Members sitting between them?—Yes, I do not recommend the plan; I have only drawn it out to meet what was suggested.

781. Mr. *Baillie Cochrane.*] But Plan D^3 will give you accommodation for 551 without cross-benches, will it not?—It will.

782. Mr. *Cowper.*] I understand that in your square House you give three benches on each side additional to the seats in the present House, but you do not increase the length?—That is correct; the length is diminished.

783. By how many feet is it diminished; is it not diminished by five feet?—Yes, it is diminished by five feet.

784. Are you of opinion that, in the present arrangements existing in the House as to the place whence Members address the House, it is of advantage to get lateral extension rather than extension at either end?—I think so. I think a compact form of House would be a great advantage.

785. Supposing a Minister were speaking at the table, he would, by your arrangement, have three benches more in front of him than he has at present?—He would.

786. But he would not have more Members sitting either on his right hand or on his left hand?—That is so.

787. Consequently the direct action of his voice would reach the persons who sat in that additional portion of the House?—It would do so; of course, he would have more behind him than at present; that, as far it goes, would be unfavourable; on the other hand, the average distance of Members from him would be less than at present.

788. *Chairman.*] As I understand it, there would be no columns in the House to support the gallery?—No.

789. So that the space would be perfectly clear?—Quite so.

790. The upper benches behind would be raised at a considerable elevation?—Yes; I do not propose that each bench should be raised above the one in front of it more than it is now, but, of course, as the total number of benches would be more than it is now, the height of the back bench would be proportionately greater.

791. Mr. *Waldegrave-Leslie.*] How would the Speaker keep order among the Members in the seats behind his chair?—The Speaker will have no more Members behind him than at present.

792. Would he not according to plan D^3?—No.

793. Mr. *Baillie Cochrane.*] Why should not the Speaker's chair be placed further back close to the door; none of the plans appear to propose that arrangement; why should you always put so many places behind the Speaker?—Because there is a gallery over the space behind him where the reporters are; the Speaker's chair would be in the same relative position to the gallery as it is now.

794. How far is it from the gallery; it is a very little way from the gallery now, surely?—It is a very little way; it is not above two feet in front of the gallery now; it might, perhaps, be a trifle less, but it could not be much less than that.

795. Sir *Charles Lanyon.*] I think it occupies the same position on the new plans as it has occupied in the old House with reference to the back wall?—Yes.

796. Mr. *Darby Griffith.*] Do you consider it desirable

desirable in itself that the galleries should be so prominent as they are in the present House? —I think there is no objection to that in the new House, because the new House would be so much wider than the present one. In the present narrow House I think they are a disadvantage, but the distance between the gallery fronts in the new House would be greater than the distance between the gallery fronts in the present House.

797. At present, as no doubt you are aware, the back seats under the gallery may be considered to be useless for Parliamentary purposes?—I have heard that there is a great difference of opinion upon that point. The distance between the gallery fronts in the new House would be 52 feet, as against 30 feet in the present House.

798. *Chairman.*] What is the height you propose of the new House?—Thirty-nine feet.

799. Will the windows then be higher than the windows in the existing House?—No, the windows in the new House will be lower than they are in the present House.

800. The roof of the House you propose is flat, is it not?—No, it is flat with shelving sides, very much like the roof in the present House.

801. Is the 39 feet taken by measuring from the floor up to the most lofty part of the roof?—Yes, the highest part.

802. You propose it to be a coved roof similar to the present one, do you not?—It will be like the present roof, not coved but with sloping sides.

803. The windows you propose to be about the same height as in the present House?—Yes; speaking broadly, they would be about the same height, but they would differ in design.

804. With reference to the middle of the House, is it higher than the height of the present House?—No, it is about five feet lower.

805. If it is lower, how can you contrive to get the windows of the same height as they are in the existing House?—I have made the slope not quite so great as the slope of the present House; the slope I propose is somewhat flatter, the angle is less.

806. Will the galleries be at the same height above the floor of the House?—Yes.

807. Will there be room enough for this increased elevation of the benches between the floor and the gallery?—The height of the galleries must be determined by the height of the top bench.

808. The top bench, of course, must be higher than at present?—The height at present, from the top bench to the gallery, is such, that it could not be diminished, and, therefore, whatever the height of the top bench is to be, that would determine the height of the gallery above.

809. If you have eight benches ascending one above the other in the new House, will not that make it higher than the present one?—Yes, if the rise were the same, it would be higher to that extent.

810. Do you propose the rise to be precisely the same?—I think I propose to make it an inch less on each seat; the present rise is about seven inches; I propose to make the rise about six inches.

811. Then the whole rise in the new House would be 48 inches for the eight benches, would it not?—Four feet would be the total of it; that is eight benches rising six inches each.

812. And what is it in the present House?—I think the rise in the present House is seven inches; for five benches, that makes 35 inches; so that there would be about a foot difference.

813. That would not be a material difference, would it?—I think not, and I think a portion of that even might be saved in the construction of the galleries. The present galleries are rather heavy in their construction, a few inches might possibly be saved in the thickness of the flooring of the new galleries.

814. Then you get the windows to be of the same height by rather lowering the slope of the roof?—Yes, I do not mean that they would be exactly the same height, but very nearly so.

815. On acoustic principles you place value upon having the roof similar to what it is at present, and having it rather lower than the present roof, do you not?—I think, as a matter of experience, that a roof of the character of the present one has been found to be favourable in an acoustic point of view.

816. I suppose, except as far as the effect is due to the height, it would be much lessened were the roof flat and the windows higher?—As regards architectural effect it would certainly be better in that respect in the present House; I am not quite prepared to say it would be so in the new one, because that has been designed with reference to this feature, which was not the case with the present House.

817. What makes the difference between the two cases?—The new House will be very much wider than the present one, and therefore quite a different set of considerations would apply to it.

818. Would not the shortness and squareness of the windows be equally applicable to the new House as to the present one?—I think not; I think that in the shape of House I propose, something of a cove or a sloping ceiling would be better than a flat one, and the windows would have arched tracery heads instead of flat heads as at present.

819. You have no difficulty, independently of acoustic principles, in recommending a sloping roof of the elevation you have mentioned for the House?—No; I should add that I have considered the question of acoustics and the question of convenience as the first considerations in proposing the design.

820. Mr. *Hankey.*] Would there be the same proportionate amount of light admitted into the new House as there is into the present House?—The amount of light to be admitted could be any amount that might be required.

821. There would be no difficulty architecturally, according to your arrangements, in making the new House quite as light both by day and by night as the present House?—I think it would be much lighter by day, and the amount of artificial light could be increased at will.

822. Lord *John Manners.*] Has your attention been turned to the question of providing a House, without any galleries for Members?—I have not considered that question; but by looking at the plans the effect of such an arrangement will be easily seen.

823. How many do your proposed galleries hold?—Taking plan D[1], which is the plan particularly referred to in the description, the galleries afford accommodation for 150 Members.

824. Assuming

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824. Assuming that it was thought desirable that there should be no galleries provided for Members, could your plan D be made to accommodate a larger number on the floor of the House than is set out?—Not without enlarging it.

825. Could that enlargement be obtained without any great structural difficulty?—It might be done, but I should not advise it; it would make the width of the House very much larger than I have proposed, which I think would be undesirable.

826. Does that observation apply to a House enlarged sufficiently to accommodate 150 Members, who might be put into the galleries, or to a House enlarged to accommodate a less additional number on the floor; say 100?—It would apply, as far as it goes, to any enlargement. An enlargement might be made, but I think it would be an undesirable step to take.

827. On what ground would you think it undesirable?—Because such an enlargement would increase the number of benches on each side, and consequently the speakers on the front benches would have a larger number behind them, I think eight benches would extend quite as far back as we should go in that direction; but of course that is a question of degree.

828. The objection, in fact, would be on an acoustical ground?—Yes.

829. Mr. *Darby Griffith.*] Do you not consider that the break afforded by the galleries may offer as much impediment to acoustical effect as an enlargement of the House?—No; I think their effect would be rather favourable than otherwise.

830. Lord *John Manners.*] Are we to understand that, speaking now entirely on the acoustical view of the case, you would prefer a House which has a gallery to a House which has not a gallery?—To accommodate a given number of persons certainly.

831. Mr. *Hankey.*] You mean to accommodate an equal number of persons?—Yes. I mean that to accommodate a given number of, say 500, Members, I should prefer a smaller House with a gallery to a larger House without one.

832. Sir *Charles Lanyon.*] A full House, with all the Members present, is an exceptional occurrence, is it not?—No doubt it is.

833. That being the case, is not the best mode of providing for that exceptional condition by a gallery?—I think it is.

834. So that the House generally may be of the size best adapted to the normal condition of the House as to the Members requiring to be accommodated?—I think that is quite the correct way of stating the problem.

835. Mr. *Darby Griffith.*] At the same time it is a matter very much of hypothesis or conjecture; we have very few exact data for coming to a precise conclusion upon the question as regards the acoustical qualities of such a House?—Certainly that is so; I do not think it is possible to lay down any absolute rules which would be accepted by the authorities upon such points.

836. *Chairman.*] Now as to the ventilation of the new House; I conceive that it would be ventilated by the same apparatus as that which exists for the ventilation of the present House?—Certainly.

837. It would be merely carrying a current of air a slightly greater distance?—Yes, that is all.

838. You see no difficulty in it?—There is no difficulty in it whatever.

839. It leaves open all the questions whether the air should be admitted through a perforated floor, or by jets, and so on, for after consideration?—Yes.

840. The air could be brought in either above or below the House?—Yes, that is all a question of detail.

841. That could be done without any very great expense, could it not?—Yes, certainly; the present arrangement would apply; the present upcast shaft would still be the same for the new House as it is now for the present House.

842. And the air would come from the same quarter exactly as it does now, would it not?—In every way it would be just the same.

843. I suppose a certain portion of the ventilating apparatus might be applied to ventilating the existing House if it were deemed requisite?—Certainly; I do not propose to take away the whole, but of course it would not need such extensive arrangements as it now possesses.

844. Mr. *Darby Griffith.*] How many sunlights would you propose to have?—I have proposed 16 of moderate size to avoid the glare caused by undue concentration.

845. You are aware which the court is from which the air is at present derived?—Yes.

846. You are aware, also, that there is an objection on account of carriages standing there?—Yes, I have heard that.

847. To obviate that, it would be perfectly easy, would it not, to turn the entrance to the ladies' gallery into the Speaker's court?—Yes, I have shown that arrangement upon the plan I have proposed.

848. Mr. *Baillie Cochrane.*] With respect to the communication between the floor of the House and the dining room, is not there any other available means of communication than that which you suggest, by having a handsome flight of steps from the centre of the building, communicating directly with the proposed new dining room; if the Conference room were given up, could not you get a handsome flight of steps there?—I think that might be done; you might have a flight of steps there which would be very handsome and convenient, but it would involve the sacrifice of the Conference room.

849. If that room were sacrificed, you would get a very handsome communication with the dining-room in the centre of the building?—Certainly, you would get a very handsome and direct approach by a flight of steps of considerable width. Such an approach would be very superior to that which I have shown on the plan, not venturing to appropriate the Conference room for the purpose.

850. Lord *John Manners.*] Would the same object be attained by making the stairs from the tea-room?—I do not think it would be so good for the purpose, nor would it be so convenient to the rest of the building, as that proposed by the Honourable Member, whose suggestion I should gladly see carried out.

Mr. HENRY DUNPHY, called in; and Examined.

851. *Chairman.*] YOU are the Superintendent, I think, of the "Morning Post" Reporting Department?—I am.

852. Will you give the Committee the benefit of your experience upon the subject of hearing the debates in the present House of Commons?—The facilities are good; I may say, on the whole, very good, so far as hearing is concerned.

853. Have you examined the plan proposed by Mr. Barry for a new House?—I have.

854. What do you say with respect to the House which Mr. Barry proposes?—I think the arrangements, so far as the Press are concerned, are extremely satisfactory.

855. You think that the square House which he proposes would be equally good for the reporters with the present one?—I think so.

856. Would it be better?—I think it would.

857. In what respect do you think it would be better?—I think the Members would be brought nearer to the reporters.

858. In the existing House, which is the place where the reporters hear the Members speaking from best?—I think from the gangways.

859. About the middle of the House?—About the middle of the House.

860. The middle of the House, as far as the reporters are concerned, is about the best place from which a Member can speak in order to be heard?—I think it is.

861. That would be about the place from which Mr. Roebuck or Mr. Ayrton generally speaks, on the left hand side of the House?—I should say Mr. Bright's place is about the best in the House in an acoustic sense.

862. Then, in your opinion, if the Ministers were in the middle of the House, it would, as far as the reporters are concerned, be more convenient than their present position?—No; I do not say that, because, in answering questions, it is very desirable that Ministers should be as close to the reporters as possible, because the voice is not elevated as much in answering a question as it would be if the Minister were making a speech.

863. If the Ministers were in the middle of the House, would not the fact that they were so have a tendency to cause the voice to be elevated more than it would be if they answered from the opposite side of the table?—No, I think it would have the contrary tendency; they would be likely to reply to questions more in a conversational tone.

864. Mr. *Beresford Hope.*] They would be likely to forget your existence?—Yes, occasionally.

865. *Chairman.*] Have you anything else to suggest with respect to the acoustics of the House?—No, not with respect to the acoustics; I may add that the auxiliary arrangements of the gallery are extremely bad at present.

866. With respect to acoustics, you have nothing more that you wish to say to the Committee?—No; except that I think that galleries are conducive to sound, and that you generally find that a chamber without galleries is more difficult to hear in than one with galleries.

867. With respect to your own accommodation in the gallery, is not there room for a sufficient number of reporters at present?—There is sufficient room for those who are actually taking notes, but there is not sufficient room for reserves in the gallery.

868. Would you wish that there should be accommodation for a greater number of reporters than at present?—Yes, for a few more.

869. What would be the extent of the additional accommodation you would wish to have?—Perhaps there might be eight or ten seats more.

870. You would wish to have eight or ten seats more for reporters?—Yes, but not in front.

871. Lord *John Manners.*] Do you mean for those who are actually reporting, or for those who are waiting in reserve?—For those who are waiting in reserve.

872. *Chairman.*] You do not wish to have a greater number of front seats for gentlemen actually reporting?—I think one or two more would be an advantage, but not a greater number than that.

873. You wish to have a greater number of seats for those who are waiting in reserve?—Yes.

874. You would like to have a deeper gallery but not a longer row?—A much longer row is not required.

875. I suppose the row in the new House, as proposed by Mr. Barry, would be rather longer than the present, in consequence of the proposed addition to the breadth of the House?—Yes; I think it would be longer by about two seats.

876. That is as much as you want, is it not?—Yes I may mention that the present gangway, or passage, between the front and the back seats in the gallery is very narrow; two persons cannot pass with facility.

877. You would like the passage to be wider?—Yes.

878. How many rows are there now in your gallery?—Two; one in reserve and one in front.

879. In the proposed arrangement I think there would still be two rows?—Yes, we should not like to have more than two rows.

880. But there would be a slight addition to the numbers for whom there would be accommodation in consequence of the greater length of the two rows?—Yes.

881. Would that be sufficient?—I understand that Mr. Barry contemplates making a second seat in the shape of a tribune where leader-writers can come who now trespass very much upon the legitimate occupation of the gallery.

882. You do not recognise the leader-writers quite as reporters?—There is no objection to their coming if they do not take up the room that the reporters require.

883. Mr. *Beresford Hope.*] In short, leader-writing is a distinct profession from reporting?—Yes, it is a distinct profession.

884. *Chairman.*] How many papers have reporters at present in the gallery?—Every morning paper has a corps.

885. What do you mean by "every morning paper"; you mean in London, I suppose?—Every London morning paper.

886. Every London morning paper has a corps of its own?—Yes; the "Standard" and the "Herald" have one long corps in common for the two papers.

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887. Are the reports in the different papers all perfectly distinct and separate now?—No; for instance, the report which appears in the "Standard" is the same as the report which appears in the "Herald;" both those papers belong to the same proprietors.

888. With respect to all the other papers the report is quite a separate and distinct report in each case, is it?—No, it is not; the corps are distinct and separate, but there are some arrangements, for printing and so forth, which are in common.

889. With respect to the rest of the accommodation, is it sufficient or not at present?—It is very insufficient; nothing can be worse.

890. What do you want?—Better ante-rooms are wanted; the present ante-rooms are very bad; they are very low and badly ventilated, and there is not sufficient room in them. There are no proper writing rooms; at present a Committee room is used for the purpose, but only in a temporary way.

891. You want to make up written documents from your shorthand notes?—Yes.

892. And there is no room for that purpose at present?—There is no room for transcribing notes in.

893. You wish to have a room for that purpose?—Yes.

894. What accommodation have you for refreshments?—There is nothing, in fact, at present, except a little bar in the passage leading to the gallery.

895. Where do you get your refreshments from?—They are supplied by a man appointed by the House.

896. You have nothing to do with the arrangements of the kitchen departments?—No, we have nothing to do with the kitchen of the House.

897. What is the condition of the accommodation provided for you, with respect to lavatories, and urinals, and so forth?—It is very deficient.

898. Does anything else occur to you?—One or two waiting rooms are required very much. I think they are provided for by the plan of Mr. Barry, which I have examined.

899. Sir *Charles Lanyon.*] I was going to ask you whether you had seen the plan proposed by Mr. Barry?—Yes, I have seen that plan.

900. Have you seen the schedule relating to the accommodation proposed to be provided by Mr. Barry for the reporters?—Yes; Mr. Barry proposes, I think, to give nearly double the present number of superficial feet—that, I think, would meet the requirements of the case. I do not think anything more than that would be required.

901. Mr. *Beresford Hope.*] Are you able to make use of the public dining room of the House to any extent?—No; there is a room called the strangers' room, but it is very small. I think there are only six or eight tables in it; and when the House is sitting, Parliamentary agents, and solicitors, and country witnesses come, and take up the whole of the room, we have no proper refreshment room.

902. You are not able, in fact, to dine in the House?—No, we do not, and cannot dine in the House.

903. Mr. *Waldegrave-Leslie.*] What accommodation have you for hanging up your coats and hats?—It is very bad indeed; nothing but a few pegs. Nothing can be worse.

904. Are you much inconvenienced on Fridays by the number of reporters who come to report for the weekly papers?—Yes; a number of persons come every Friday evening, who only come on that night, and of course, as the accommodation is very limited, they trespass upon it.

905. Mr. *Cowper.*] How is that room used near the entrance from New Palace-yard?—It is a small smoking room.

906. Is it used by the reporters?—Yes. I think they are indebted to you for it. They made an application to you for it some time ago, and it was placed at their disposal.

907. Lord *John Manners.*] Are the Committee to understand that you have seen the plans submitted by Mr. Barry for a new House, particularly as regards the reporters' department, and that, speaking generally, you approve of the accommodation and the arrangements which he proposes?—Yes, decidedly so.

Mr. JAMES MOULD, called in; and Examined.

Mr. *J. Mould.*

908. *Chairman.*] WITH what paper are you connected?—I am Superintendent of the Parliamentary Corps of the "Standard" and the "Morning Herald."

909. You have heard the evidence of Mr. Dunphy, have you not?—I have.

910. Do you agree with what he has stated to the Committee?—So far as the plans of Mr. Barry are concerned, I entirely agree with him.

911. Have you anything further that you wish to state to the Committee?—I would say that the accommodation which Mr. Barry proposes to provide for the Parliamentary reporters seems to me to be admirably adapted to our wants. I particularly approve of the arrangement which he has made for separating the editorial gentlemen and strangers, as we term them, from the working staffs of the papers.

912. Mr. *Hankey.*] Do the reporters now find it necessary to copy out their short-hand notes in the House, or do they take them away?—They do not take them away now. Many years ago, before the institution of the electric telegraph and the railway system increased the necessity of getting out the copy very early, they used to go to the offices of the various newspapers and there copy their notes. The practice was to go to the newspaper offices in cabs, and return for second and third turns as it might happen, until the sitting of the House terminated.

913. What I wanted to ascertain was, whether the actual short-hand notes, as taken down from the several speakers, went direct to the newspaper offices, or whether they underwent any process of transcribing in the House?—They have to be transcribed, and Members' speeches have to undergo the process of alteration or cutting down before being sent away.

914. Is that done on the spot?—Yes; certainly, it is done on the spot.

915. Mr. *Beresford Hope.*] The reporters never go to the newspaper offices now, to write out their reports, do they?—Never.

916. Sir

916. Sir *Charles Lanyon.*] That is done in No. 18 Committee room, is it not?—Yes, it is done in No. 18, and in those little dens, as I term them, behind the Reporters' Gallery.

917. Mr. *Hankey.*] It is necessary that a speech, before being printed, should be copied and made completely ready for printing, in the House?—Yes, quite so: the manuscript goes complete to the office.

918. *Chairman.*] Do you go through the process of cutting down a speech, or do you send the written transcript in full, of every speech?—The manuscript is sent to the office complete, and ready to be put into the hands of the compositor; in fact, it passes complete from us to the compositor.

919. The whole report passes direct from you to the compositor?—Yes.

920. There is no intermediate person between the reporter and the printer?—No.

921. Mr. *Beresford Hope.*] You use your discretion as to the amount you report, guessing at what may have passed before on the same night, and judging by the interest that is felt in the subject, and so forth?—Yes, we use our own judgment.

922. Is that the practice of the reporters for the other papers?—I believe that that is the universal practice.

923. I suppose, generally speaking, on all the papers the same system is pursued; you have a certain number of columns to fill and a certain amount of matter to go into them?—Yes, decidedly, and a certain length of time to do it in.

Tuesday, 5th May 1868.

MEMBERS PRESENT:

Mr. Baillie Cochrane.	Sir Frederick Heygate.
Mr. William Cowper.	Mr. Beresford Hope.
Lord Elcho.	Sir Charles Lanyon.
Mr. Darby Griffith.	Lord John Manners.
Mr. Hankey.	Mr. Tite.
Mr. Headlam.	Mr. Waldegrave-Leslie.

THE RIGHT HONOURABLE T. E. HEADLAM, IN THE CHAIR.

Mr. EDWARD M. BARRY, A.R.A., called in; and further Examined.

Mr. *E. M. Barry*, A.R.A.

5 May 1868.

924. *Chairman.*] HAVE you conferred with Dr. Percy upon the subject of the proposed ventilation for the new House?—I have.

925. Are you both agreed as to the feasibility of the plan which you have suggested to the Committee?—Quite so. Dr. Percy has authorised me to state that he sees no difficulty in applying the present system of ventilation to the new building, using the present apparatus as far as it will go.

926. As I understand it, the material change in the new House is that the floor would be solid, and not perforated?—The floor would be solid, but of course it must be partially perforated, inasmuch as the air would still come from below, although in a different manner from that adopted in the present House.

927. There would be an air-chamber in the new House of the same sort as the air-chamber in the existing House?—Yes, but of a smaller capacity, and the air would be introduced in a different way.

928. Do you think that the proposed air-chamber in the new House would at all affect the acoustic qualities of the House?—I think not. I think that the air could be introduced in such a manner that the voice would not reach the chamber below, as at present.

929. You, I think, are of opinion that the air-chamber does interfere with the acoustic qualities of the present House?—Yes.

930. But you think that it would not do so in the new House?—I think not.

931. Can you explain to the Committee the mode in which the air would be introduced in the new House?—I should propose to avail myself of the fixed seats for the introduction of air; I have tried upon a model several plans, and I think that such a system could be introduced conveniently.

932. You think that the air could be so introduced without any discomfort to the sitters?—Yes.

933. The plan which you suggest is in use in certain theatres, is it not?—Yes; the introduction of fresh air through the floor under the seats has often been adopted, and its introduction through the framework of the seats themselves, which I now recommend, was proposed by Dr. Reid many years ago.

934. Supposing that by this means the air-chamber below could be considered as no longer a part of the House, the practical result would be that the cubical contents of the new House would be less than the cubical contents of the old House?—Yes.

935. The present House, with the addition of the air chamber below is of a greater space than the proposed new House of Commons, without the air-chamber below?—Yes.

936. What is your opinion with respect to the acoustics of the new House as compared with those of the present one?—I think that the form of the new House is more favourable for acoustics than the form of the present House.

937. Do you think that it will be easier for any Member to speak in the proposed new House than in the existing House?—It is difficult for me to say that, because I am not aware whether the present House is easy to speak in, or not.

938. But there is nothing in the alteration in the form to lead you to suppose that the new House would be more difficult to speak in?—No, I think that the alteration would be in its favour.

939. Is it not the case that a Member speaking in the new House would, as a general rule, be nearer to those whom he was addressing than he is in the present House?—Taking into account the increase of accommodation, it would be so.

940. There would be nobody so far from the Member speaking in the new House, as it is possible for a Member to be in the present House?—No. The length of the present House is greater than the length of the new one.

941. Is

941. Is it not a rule in speaking (so far as there is any rule), that if the person speaking addresses the individual who is furthest from him, he will naturally pitch his voice so as to be heard by every one in the room?—I should think so.

942. And if that be a true rule, the result would be, that it would be easier to be heard in the new House than in the present one?—Yes; taking into account the increase of accommodation, which must be allowed for.

943. Mr. *Baillie Cochrane.*] Have you given your attention to the subject of a flight of steps from the Hall since the last meeting of the Committee?—Yes. It is not a suggestion of mine, but I think it a good one, and should be glad if it were adopted.

944. It would add to the convenience and the beauty of the building?—I think that it would be an undoubted convenience, and an architectural improvement; I understand the question to refer to the witnesses' waiting-hall, immediately at the foot of the staircase to the committee-rooms.

945. Mr. *Tite.*] Would the expense of that alteration be very great?—No.

946. Mr. *Baillie Cochrane.*] But it would be very important in its results?—I think so.

947. Mr. *Tite.*] Would 2,000 *l.* or 3,000 *l.* cover it?—I think that it would.

948. Mr. *Cowper.*] I have understood you to state that you consider that the existence of the air chambers below the House of Commons, has an influence in diminishing the power of the voice of the speaker?—I did not exactly say that; what I have always considered is that an air chamber may exist below the House without doing any harm; but the air chamber in question practically forms part of the House, because the floor which separates it from the latter is nothing but an open grating, and, therefore, *pro tanto* it is an addition to the size of the House; consequently, a Member has to speak in a larger House than appears.

949. Supposing the same power of voice to be exerted in the one case with the perforations of the floor open, and in the other case with the perforations of the floor closed, have you any reason to suppose that in the latter case, the voice would be so affected as to be more audible than in the former case?—Certainly, in my judgment.

950. Would it be from the wave of the voice going upwards from the floor?—Not entirely. You would be speaking in a smaller room, which would be easier than speaking in a large one; if you were speaking in this room with folding-doors open, you would find it more difficult to hear than if they were shut.

951. If you are dependent upon the direct action of the voice, will it signify to the speaker or to those above him whether the voice travels downwards or not?—I think that it is very clear that the voice travels downwards and is wasted, and that, therefore, if you could confine it, it would do good.

952. I suppose that that opinion of yours is founded not upon any experiments, but upon theory?—I have tested the fact of hearing the voice below, when Members have been speaking in the House, but I have had no opportunity of making further experiments.

953. Mr. *Tite.*] Would not the resonant effect of the floor itself be in your favour?—Yes; that is a point which I think very important.

954. Mr. *Cowper.*] Would you not say that the advantage to be gained would be merely from the resonant effect?—I think that you would get an advantage in two ways; you would get the advantage of that effect on the sound, and you would also cut off useless space, into which the voice now travels.

955. *Chairman.*] In the evidence which you gave last year, I think that you stated that according to a very rough calculation, the cost of the House would be 50,000 *l.*, and that the cost of other alterations would be 50,000 *l.* more; and you stated, as I understood you, that that did not include the cost of the refreshment-rooms?—No.

956. We wish to have an accurate answer, so far as you can give us one, as to the cost of all the suggestions comprised in your scheme?—I think that all the suggestions contained in my scheme would be carried out for about 120,000 *l.*

957. Mr. *Tite.*] To which, I presume, if the staircase were added, which has been mentioned, there would have to be added the cost of that staircase, and the alterations consequent upon it?—Yes; 2,000 *l.* or 3,000 *l.*, I think, would be sufficient for that purpose.

958. *Chairman.*] That would complete internal fittings, and everything else?—Everything except furniture.

959. Everything except furniture of a moveable description?—Yes.

960. Sir *Frederick Heygate.*] What would you do with the furniture of the present House?—I presume that it would be available for the new House.

961. Mr. *Beresford Hope.*] Does your estimate include a certain amount of decorative work, or is it for merely fitting up the House plainly?—I have taken everything, but I only propose to fit up the House plainly as a place of business.

962. Sir *Frederick Heygate.*] The furniture which you refer to, consists merely of the Speaker's chair and the seats, and so on?—Yes. (*The Witness explained the model to the Committee.*)

963. *Chairman.*] You produce a model of the proposed mode of ventilation in the new House?—Yes.

964. That model shows the mode in which the air is admitted by the seats?—Yes.

965. It shows, I think, four different modes?—Yes; it shows a mode of introducing the air through the backs of the seats, and underneath the seats, and through various portions of the fixed platform of the seats.

966. Which of those plans do you think the best?—I think that the one which introduces the air through the under side of the seats is the best.

967. But you would say that there is no discomfort to the sitters in any of them?—No, but I think that which I have referred to is the best.

968. Mr. *Tite.*] I suppose that the opening wherever it was placed, would be covered with zinc, with very small perforations?—Yes.

969. I suppose that you are aware that where air is introduced by perforation, the smaller the orifice the less the draught?—Yes, as long as there

Mr. *E. M. Barry,* A.R.A.

5 May 1868.

Mr. *E. M. Barry*, A.R.A.

there are plenty of them, and abundance of superficial area.

970. Sir *Frederick Heygate.*] Had you not a great many complaints of draughts to Members' legs and feet, when air used to be admitted by the sides of the seats, and underneath the seats?—You mean the front of the seats?

971. I thought that it was introduced by the side of the seats as well?—I am not aware of that.

972. Were there not many complaints of it?—I am not aware.

973. Was it not in consequence of those complaints that those orifices were stopped up?—So many alterations have been introduced by Mr. Goldsworthy Gurney, Dr. Reid, and others, that I am not aware of the reasons for the changes which have been made.

974. How many years ago was that?—I am not aware; I have always thought that, as regards ventilation, the House is very good at present. I think that the satisfactory ventilation of the House of Commons is a most difficult problem.

975. Mr. *Beresford Hope.*] Is there any underground ventilation in the House of Lords?—I believe that there is now; it is much the same as in the House of Commons. I think a wooden floor to the House of Lords would be a great improvement.

Tuesday, 12th May 1868.

MEMBERS PRESENT:

Mr. Baillie Cochrane.	Mr. Beresford Hope.
Mr. Darby Griffith.	Sir Charles Lanyon.
Mr. Headlam.	Lord John Manners.
Sir Frederick Heygate.	

THE RIGHT HONOURABLE T. E. HEADLAM, IN THE CHAIR.

Dr. JOHN PERCY, called in; and Examined.

Dr. *J. Percy.*

12 May 1868.

976. *Chairman.*] I UNDERSTAND that you have communicated with Mr. Barry concerning the ventilation of the proposed new House of Commons?—Yes.

977. Are you satisfied that the House as it is proposed to us, can be ventilated as easily as the present House of Commons?—I think it could be.

978. Do you think there would be no difficulty in conveying a current of air onward through the proposed new House?—I think not, of course it would require proper appliances to do it.

979. You apprehend no mechanical difficulty of any moment?—I think not.

980. Assuming that to be so, have you considered Mr. Barry's plan for admitting air into the proposed new House of Commons, not through perforations in the floor, but through tubes placed between the seats?—I had heard nothing about that plan, but I think it will not succeed. The Members formerly complained in the present House of small jets of air impinging upon their legs, and they would not stand it.

981. With regard to the air-chamber below, would you make any modification of that under the proposed new House?—I should not.

982. Lord *John Manners.*] Will you look at the passage marked in that printed paper (*the same being handed to the Witness*)?—I have read it, and as far as my experimental knowledge goes, I think it is extremely doubtful as to the objection to dust; I think that is entirely mythical.

983. Will you now examine the model which has been produced by Mr. Barry?—Yes. (*The Witness examined the same.*)

984. *Chairman.*] Having examined the model, are you still of opinion that there would be an objection to the mode in which the air comes in by the means shown in the model?—I certainly should not recommend it, unless I saw its efficiency proved to demonstration.

985. Do you consider that the present House of Commons is perfect as to ventilation?—As perfect as a house can be; I do not think that any system will be absolutely perfect in every part.

986. You do not suggest any material modification of the plan by which the air comes in along the floor in the centre of the House?—No.

987. At the present time, is it not the case that the air is admitted through the floor in the centre of the House, and in other parts?—Yes; through the floor, behind the Speaker's chair, and at the bar.

988. Air is not admitted near the seats, nor between them where the Members sit?—No.

989. All the apertures and places of that kind have been closed?—Entirely.

990. Can you in any other way suggest any means by which the air-chamber below can be diminished in size?—I think not conveniently; it is most important in this system to be able to keep every part as clean as possible, and in order to do that, every part must be accessible to the men who are engaged in that work. I lay very great stress upon the capability of keeping the place perfectly clean.

991. So that assuming the House to adopt the new proposed form, you would recommend that the air should be admitted along the centre of the House, in a manner very nearly similar to the mode in which it is now done?—Yes; I should strongly recommend that.

992. Without any material modification, either in the size of the air-chamber below, or of the place where it is situated?—Yes; I should say so, certainly.

993. That plan, without saying that it is perfect, is as good as could be reasonably expected?—Yes; I do not know of any building which is superior to it, if any be equal to it, as to aëration.

994. You do not think that there is any substantial objection to the air-chamber below on the ground of acoustics?—None whatever; but, in the first place, there seems to be a mistake as to this air-chamber below; it is only a small part of that air-chamber below which is really in connection with the House, and it is mainly that part corresponding to the centre of the floor. It would be easy to settle the point concerning the influence, if any, of the air-chamber upon the acoustic quality of the House by an experiment or two, and I think it would be more satisfactory if such experiments were made.

995. Have you considered what would be the facility of hearing in a House such as that which has been suggested by Mr. Barry?—No, I have not; I should be very loth indeed to give any opinion upon the acoustic qualities of the proposed House.

996. Lord *John Manners.*] Will you be good enough to explain to the Committee what would be the extent of the three apertures which you would regard as necessary for the proper ventilation

Dr. *J. Percy.*

12 May 1868.

tion of the new House; I understood you to say that the floor, as a whole might be close, but that there ought to be three apertures; one in the centre, one behind the Speaker's chair, and one at the bar for the admission of air?—Yes; if you follow the example of the present House, I think you will do what is most likely to succeed.

997. Can you tell the Committee what size the apertures should be?—I cannot state offhand; I have the plans down below, and you have duplicate plans at the Office of Works.

998. Do you think there would be no difficulty in adapting Mr. Barry's new House to your system of ventilation?—I think none.

999. Yours would be a more simple system of ventilation than that which has been suggested by Mr. Barry?—Yes; every complicated system of ventilation which has hitherto been introduced has failed in practice. Simplicity I believe to be essential to success in any system of ventilation.

1000. Mr. *Beresford Hope.*] In fact, as far as it has gone, we may go into the architectural question and leave the ventilation to be adapted to it?—I think so.

1001. Sir *Frederick Heygate.*] Should you recommend that principle of ventilation at the back of the seats?—Certainly not.

1002. You do not believe that that could be carried out?—No. If the Committee would like some experiments made in the present House, I could show them how air may be sent up and down, and satisfy them on all those points.

1003. Lord *John Manners.*] Have you any observations to make on the proposed method of lighting the proposed new House, as shown in Mr. Barry's paper?—I understood from Sir Charles Lanyon that a statement was made that in the absence of glass less heat would be radiated downwards on the heads of the Members.

1004. Will you just read the paragraph in Mr. Barry's paper, and say whether you have any comment to make upon it?—I do not know that I have.

1005. Mr. *Darby Griffith.*] Would perforated zinc be a desirable mode of supplying air at the back of the seats?—Decidedly not. I do not think that the Members would tolerate it for an hour.

1006. Sir *Frederick Heygate.*] Have you ever gone into the Ladies' Gallery?—Yes.

1007. Have you noticed what a want of ventilation there is?—It is not well ventilated, but there is a great deal more air going through that gallery now than formerly, but the heat is far too great.

1008. Can no means be adopted to remedy that state of things?—I am afraid not easily; it is like the Reporters' Gallery, it is just the same there. There are a number of gas-burners in a very small space, and there is a considerable quantity of air passing through it, but the temperature rises far too high, owing to the smallness of the space, and the number of the gas-burners.

1009. By Mr. Barry's proposed plan, the Ladies' Gallery and the Reporters' Gallery will be constructed with the same disadvantages as in the old House?—You must have much larger cubical space.

1010. There will be actually less space for the Ladies' Gallery?—There ought to be more space.

1011. Mr. *Darby Griffith.*] Would not a sun-burner produce a more rapid draft than the present gas-burners above a glass roof?—Not necessarily; it depends upon the accessory arrangements.

1012. Is not the draught caused by a sun-burner very much stronger than the present arrangement?—Certainly not. The draught depends entirely upon the amount of gas that is burnt; no matter how it is burnt, so long as the combustion of it is perfect there is the same amount of heat involved, or the same amount of force generated.

1013. Except as to the greater concentration of heat in one spot?—Yes, that is a consideration of importance. I think that Members sitting for so many hours in the House would hardly like the brilliant glare of a sun-burner; you get a subdued light now when the light comes through ground glass.

APPENDIX.

LIST OF APPENDIX.

Appendix, No. 1.

Paper handed in by Mr. E. M. Barry, 30 March 1868:

Table showing the Principal Dimensions and the Cubical Contents of various Foreign Houses of Legislature, as compared with the English Houses of Parliament - - - - - - - - - - - - p. 55

Appendix, No. 2.

Papers explanatory of the Plans of various Foreign Houses of Legislature, &c. - - - - - - - - - - - - - - - p. 56

APPENDIX.

Appendix, No. 1.

PAPER handed in by Mr. *E. M. Barry*, 30th March 1868.

TABLE showing the Principal DIMENSIONS and the CUBICAL CONTENTS of various FOREIGN HOUSES of LEGISLATURE, as compared with the ENGLISH HOUSES of PARLIAMENT.

		Dimensions on Floor.		Dimensions on Gallery Level.		Height.	Cubical Contents.	Number of Members' Seats.	Total of Seats.*
		Length.	Width.	Length.	Width.				
		Ft.	*Ft.*	*Ft.*	*Ft.*	*Ft.*	*Ft.*		
Paris	Corps Legislatif	97	64	112	71	55	277,000	372	712
Ditto	Senate Chamber	91	57	114	69	51	240,000	208	430
Berlin	House of Representatives	92	47	131	64	41	200,000	416	827
Ditto	House of Lords	57	55	84	66	36	83,000	278	471
Florence	Chamber of Deputies	96	73	115	73	62	467,000	492	944
Ditto	House of Lords	84	67	92	67	47	255,400	372	787
Washington	House of Representatives	112	74	139	93	36	409,000	312	1,312
Ditto	Senate Chamber	81	50	113	80	36	244,000	88	876
London	House of Commons	68	44	83	45	44	127,000	426	691
Ditto	House of Lords	84	45	98	47	46	173,000	270	466
Plan D 1, for a New House of Commons		63	63	74	71	39	154,300	569	899

* The figures in this Column are approximately calculated from the Plans, as they are not in all cases precisely furnished by the annexed descriptions forwarded from abroad with the Plans.

Appendix, No. 2.

App. No. 2. PAPERS explanatory of the PLANS of various FOREIGN HOUSES of LEGISLATURE, &c.

Paris.

PARIS.

(Translation.)

NOTES on some QUESTIONS relating to the DEBATING CHAMBER of the CORPS LEGISLATIF.

IN complying with the demand which you have addressed to us, we will divide this Report into five distinct parts:—

The 1st will treat of the General Arrangements of the Chamber, and of its Mode of Construction.
The 2nd, of the Warming of the Chamber.
The 3rd, of its Ventilation.
The 4th, of its Acoustic Properties.
The 5th, of its Lighting by Day and Night.

1.—*General Arrangements of the Chamber.*

106 6¾ Eng. feet. The Chamber is semicircular in form, and is 32 metres 48 centimetres, or 100 feet in diameter. Its height, taken from the flat part of the floor to the ceiling, is 14 metres 62
47 11½ Eng. feet. centimetres, or 45 feet.

The circumference of the semicircle is divided into 19 bays by 18 marble columns, carrying an entablature on which rests a circular cove, forming part of the ceiling of the Chamber, which is pierced in the centre by a semicircular skylight.

This Chamber was at first arranged for 500 places. There were 10 tiers of seats with backs, divided by 17 gangways, nine of which start from the semicircle in front of the Speaker's tribune to the height of the last tier, while eight start from the passage made half way up these same tiers.

The number of Deputies being now only 283, a smaller number than at the time of the construction of the Chamber, the seats on the two last tiers have been removed.

There are now, therefore, only eight tiers of seats, subdivided as we have just described; they can only seat two, three, or four Deputies at the most; an arrangement which allows of a free circulation, and ready access to all parts of the Chamber.

Before each seat, at a convenient distance for writing, is placed a separate desk, furnished with a lock and key for each Deputy.

8 9½ Eng. feet. The floor of the tier, on which the last seat is placed, is raised 2 metres 68 centimetres above the floor of the semicircle in front of the President.

The orator's tribune occupies the centre of this semicircle. Its floor is raised 1 metre
3 feet 7⅜ inches. 10 centimetres above the floor of the semicircle. Behind the orator's tribune is the Presi-
7 feet 4½ inches. dent's chair, raised 2 metres 25 centimetres above the floor of the semicircle. Lower, on the right and left, are the places of the Assistant Secretaries, elected by the House. In the reserved space, behind the President's desk, is the place of the Secretary General of the Corps Legislatif.

9 feet 10⅛ inches. A first tier of boxes, 3 metres in height, above the last tier of the Chamber, occupies the circumference of the semicircle, except one space in the centre of the colonnade.

These boxes are reserved for the Emperor's household, the Corps Diplomatique, the Senate, the Ministers, the Council of State, the President, and Vice-President, and the Quæstors, and a part reserved by tickets for the Deputies.

The number of places in the boxes of the first tier is 288.

A second tier, which runs behind, and at half the height of the columns, contains other boxes, of which one is public, and the remainder are given to the Deputies in order.

The number of places in the boxes of the second tier is 224.

The reporting the debates, which occupies an important part in the organization of the Corps Legislatif, in consequence of the uniform report exacted of the papers, gives rise to the following arrangements:—

Before the tribune, on a low platform, is placed a table, at which come and sit, in turn, the secretary reporters who write the official reports, and who afterwards arrange their work in the corridors of the Chamber on the right or on the left.

With their backs against the Speaker's tribune, on the right and left are placed two desks, where a revising and a working shorthand writer, replaced by others after a few minutes, take down in shorthand the speeches of the Deputies.

They

They afterwards go on with their work of translation at a large table placed in the corridor on the left.

The number of persons filling the Chamber can be analysed as follows:—

Deputies - - - - - - - - - -	283
Ministers, or Councillors of State - - - - -	15
Boxes of the first tier - - - - - - -	288
Boxes of the second tier - - - - - - -	224
Officials of the Corps Legislatif of all degrees - - -	73
TOTAL - - -	883

Having thus indicated the general arrangements of the Chamber, and of its various departments, we will now explain its mode of construction so far as is necessary for the present object.

The base of the circumference of the semicircle is covered with marble; the back of the boxes, which are only 1 metre 75 centimetres deep, is hung with cloth. 5 feet 8⅞ inches.

The ceiling of the Chamber, including the cove, is of plaster, without any relief of mouldings or coffers; a decoration imitative of coffers and panelling is painted on the surface of this vault.

The seats are placed on a wooden flooring, laid firmly on arches of masonry.

The floor of the semicircle and the steps are covered with carpets.

2.—*Warming of the Chamber.*

We will first deal with the question of warming the Chamber, in order to bring the temperature, before the sitting, to a sufficient degree of elevation, the warming during the sitting being dealt with under the head of ventilation.

The warming is effected exclusively by hot air stoves heated with coal. These stoves, three in number, placed under the semicircle of the Chamber, can throw out a quantity of heat capable of raising, per hour, 16,000 cubic metres of air of 30° centigrade (862 Fahrenheit). 565,072 cubic feet.

The normal temperature of the Chamber in winter, at the opening of the sitting, ought to be 16° centigrade (60·8° Fahrenheit).

Each stove is so constructed that the surfaces exposed to the fire may be proportional to the above conditions.

The air which supplies these stoves reaches them after having made a long circuit in the cellars, which are arranged for this purpose. The heated air is conducted to a reservoir formed in the cellars exactly under the semicircle of the Chamber. From this reservoir, it can, at will, be introduced into the Chamber, either—

(1.) By openings made in the risers of the steps of the first tier of seats, and by openings in the flat part of the floor; or

(2.) By apertures under the seats of the Deputies; or

(3.) By openings made under the floors of the boxes of the first tier, and by openings made in the cove of the Chamber; but the warming, properly so called, of the Chamber, takes place commonly only by the first openings, the second being specially applied to the exit of the vitiated air, and the third to the introduction of the fresh air, as, indeed, we shall say further on, in the article on ventilation.

3.—*Ventilation.*

We will first call attention to the mathematical conditions of the problem to be resolved. A Chamber of a superficial area of 580 square metres (6243·29 square feet), and containing about 9,060 cubic metres (319,972·02 cube feet), a variable number of persons present, which may, at a maximum, be 883; no natural entrance or exit for air, such as window openings (we take no account of the doors of the Chamber); an assembly composed of members of different ages and temperaments occupying always the same places.

As to the history of the ventilation of the Chamber, it can be divided into two quite distinct parts, according to the two systems which have been followed.

In the first period, until 1860, the air—hot in winter, cold in summer, used to come in through the risers of the steps under the seats of the Deputies, and was extracted at the upper part of the Chamber.

In the second period, the present, the air enters at the upper part of the Chamber, and is, on the contrary, extracted at the lower part.

We will first point out how the ventilation of the Chamber was conducted under the first system.

The air entered the Chamber by a set of orifices made in the risers of the steps in front of the desks of the first tier, and at the same height in the dwarf walls carrying the other tiers, and under all the seats of the Deputies.

The vitiated air escaped, by a set of openings in the circular wall of the Chamber, by means of gratings placed under the supports of the low boxes communicating with a

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general chamber formed under the floor of the boxes all round the Chamber. This chamber was placed in communication with two shafts made in the thickness of the walls near the semicircular staircase.

In the ceiling of the first tier, there existed a set of orifices which were in communication with the Chamber, made under the seats of the boxes of the second tier. This chamber was connected with a circular flue above the ceiling of these boxes.

In the same ceiling were placed circular ornamental openings, covered with a trellis brass wire, so as to establish a communication between this chamber and that above the boxes of the second tier.

Immediately above these was an up-cast furnace, arranged so that all the fuel consumed there served to quicken the current of air.

The two shafts joined together in one, in the space behind the pediment of the façade of the chamber facing the quay. At the point of union was placed a ventilator, acting by centrifugal force, moved by hand, which acted or not, according to necessity and circumstances. Its use was quickly abandoned.

The sectional areas of ingress and egress were about three square metres (32·292 square feet).

The reservoir of air is a large cellar communicating with the Chamber, with the stoves which draw thence the cold air and send back the warm air, and with the exterior by means of passages established in the cellars, so that the air should be compelled, before arriving at the reservoir, to traverse the route allotted to it in the cellars.

We will now describe the arrangements made for transforming the system of ventilation which was, so to speak, reserved; so that the emanations of cutaneous transpiration might be drawn off before they had been able to rise and mix with the air to be breathed.

One observation should be made at starting, it is that the arrangement of the buildings offered difficulties which would not exist in new edifices, so that we were forced, on the one hand, to make arrangements less simple than could have been wished, and on the other, to be contented with sectional areas, smaller than we could have desired to give.

The relative narrowness of the flues and orifices of ingress and egress demands as a compensation, a strong up-cast kept up by a fierce fire, and besides may be the cause of draughts produced by this very rapidity of circulation, which is rendered compulsory as a necessary compensation for the relative insufficiency of the sectional areas of the ventilating apertures.

The sessions of the Corps Legislif open, as is known, generally at the end of January, and lasts till the end of June.

The sittings can therefore be divided into winter and summer sittings. We call those winter sittings, at which the cold air of the reservoirs cannot be introduced into the Chamber without having been rendered temperate by a mixture of warm air.

The summer sittings, on the contrary, are those at which the air of the cellars is introduced at its ordinary temperature.

Before studying each part of the mechanism, we will give a general idea and summary of the method of procedure according to the seasons which we have just indicated.

Let us begin with the winter sittings.

The introduction of the air, as we said in the article on warming, evidently presents two phases, one before the arrival of the Deputies, during which the Chamber must be brought to a moderate temperature, which is rarely raised above 16½° C. (60·89° Fah.) During this time no rush of air is resorted to, and the warm air, as we have said, is introduced by openings communicating with the reservoir of warm air, and passing through the floor at the lowest point.

In the second phase, after the commencement of the debate, according to the greater or smaller number of persons present, a part of the vitiated air must be drawn off and replaced by pure air.

The reservoir of warm air supplies by means of flues the mixing chambers to the number of seven, which are themselves supplied with cold air drawn from the cellars, which serve as a reservoir of cold air, so as to admit into the Chamber only air of moderate temperature.

From the mixing chamber start vertical flues, ending in the first circular flue placed under the floor of the first tier of boxes, and in a second circular flue placed above the cove of the Chamber.

The air thus introduced into the Chamber is driven out through the orifices made under the seat of each Deputy, in the flat part of the floor of the Chamber, and in the circular corridor at the top of the tier of seats. These orifices open into circular flues placed under the tiers of the Chamber. These flues are in communication below with two up-cast stoves.

The summer ventilation differs in nothing from that used in winter, except that the air of the cellars coming from the reservoir of cold air, is introduced into the Chamber at the temperature of the cellars themselves, which varies from 14°, 15° C. (57°, 59° Fah.)

We will now study each part of the mechanism of this system.

1. The Warm Air Chamber.

This chamber, placed under the semicircle of the Chamber, serves as a reservoir for cold air in summer, being even more inaccessible to variations of temperature than the cellars of the palace, which are not completely protected from them. It presents a superficial area of 130 metres (1,399·358 square feet), its height is about 3 metres 20 centimetres, and its cubic contents 416 cubic metres (14,691·87 cubic feet).

10 feet 6 inches.

The

The stoves are placed there, but not the furnace mouths.

Seven orifices, regulated by valves of a superficial area of 6 metres 17 centimetres (64·604 square feet), are used for the introduction of cold air into this air chamber.

From this reservoir issue seven flues, tinted pink on the plan, No. 1, with this report, which end in the seven mixing chambers to which they carry warm air in winter.

These flues, at their exit from the reservoir, and at their entrance into the mixing chambers, are regulated by valves. The sectional areas of the flues, and of the openings into the mixing chambers, are 4 metres 98 centimetres (43·212 square feet).

2. Mixing Chambers.

The mixing chambers are seven in number. This number is to be regretted for the complication of the mechanism, and also for the difficulty of precision in handling.

Four of these chambers are placed in the cellars.

Three are placed on the ground-floor of the Chamber.

We have said that the ingress apertures for warm air were of a total sectional area, of 4 metres 98 centimetres (43·212 square feet). The ingress apertures for cold air, also regulated by registers, are of a superficial area of 4 metres 28 centimetres (43·087 square feet).

The warm air flows in nearly parallel to the current of cold air, by means of partitions of metal or masonry, the warm air flue being below that for cold air.

The capacity of these mixing chambers, of which the largest is only 9 metres 288 centimetres, is, by the arrangement of the buildings, unfortunately small; valves allow instantaneous variations to be made in the temperature, by proportioning, according to the requirements, the passing currents of warm or cold air. 317·857 cubic feet.

3. Ascending Currents.

Vertical flues, introducing the air into the Chamber, issue from the mixing chamber.

Six of these flues end in circular flues, placed under the boxes of the first tier. Their total sectional area is 2 metres 504 centimetres (22·071 square feet). They are nearly regularly arranged around the Chamber.

Four of these flues end in circular flues, placed above the cove of the Chamber. Their total sectional area is 1 metre 895 centimetres (11·727 square feet).

Valves placed in the mixing chambers, at the point of departure of the ascending currents, allow the current of air introduced into the Chamber to be regulated.

Thermometers are placed within sight in the currents to show the temperature of the air introduced.

Divisions are placed in the circular flues to lessen the effects of the currents at the points of ingress, by guiding the air in the flues.

4. Introduction of Air into the Chamber.

The gratings for introducing the air into the Chamber, corresponding with the circular flue under the flooring of the boxes of the first tier, in number equal to the intercolumniations, give a superficial area of real opening of 2 metres 80 centimetres (21·614 square feet). They are placed under the supports of these boxes.

There being no freedom of choice, in consequence of the requirements of the construction, the gratings, used under the first system for the exit of the vitiated air, have been employed for this purpose.

The gratings of introduction, which correspond with the circular flue above the cove of the Chamber, are 19 in number, of a real superficial area of 4 metres 446 centimetres (43·537 square feet). They did not exist under the first system of ventilation, and their superficial area might have been increased if that had not been useless, considering the sectional areas of the ascending currents.

5. Orifices for the Egress of vitiated Air.

The orifices for the egress of vitiated air are placed—

(1.) In the risers of the stairs in the gangways.

(2.) In the corridor running behind the seats of the Deputies.

(3.) Under the seats of the Deputies (the orifices under the seats of the Deputies, are 545 in number.

(4.) On the surface of the semicircle or flat part of the floor.

The superficial area of these orifices is 4 metres 68 centimetres (43·13 square feet).

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6. Concentric Air Passages.

The orifices of ingress end in concentric air passages, uniting themselves into four flues, which open into the ventilating shafts. The sectional area of these flues is proportional to the orifices of egress.

These different concentric air passages divided, first into two separate parts on the right and left of the Chamber, are besides sub-divided in such a way that, by the aid of the arrangement of the valves, the exhaustion of the vitiated air can be accomplished from each part of the Chamber separately.

The exhaustion of the vitiated air can also, by the aid of special arrangements, take place, either solely by the openings made in the risers of the stairs in the gangways, or by the orifices opened over the whole surface of the Chamber.

7. Stoves, Up-cast Shafts.

All these air passages unite into four flues ending in two special shafts; their sectional area, unfortunately small (for it was necessary to get them in the unappropriated spaces of the building), is 2 metres 44 centimetres (21·576 square feet).

The furnaces at the base of these shafts contain coal fires, the heat of which causes the extraction of the vitiated air; and secondly, the entrance of the pure air.

Such is the mechanism of the system of ventilation.

If we had to express our opinion upon it we should say, that correct in its principles, it is insufficient in its application, and we could wish to see the superficial area of the orifices of ingress and egress of the air increased to 8 metres (86·115 square feet).

4.—*Acoustic Properties of the Chamber.*

The whole consideration of the acoustic properties of the Chamber starts from and depends on the existence of a special place, the tribune, which each speaker mounts to speak from.

Starting from this fact, and from the principle of the spherical propagation of waves of sound, the commissions of Savants called to give an opinion on the grave question of the best form to give to the debating chamber at the time of its reconstruction, declared for a semicircular shape.

The necessities of decoration did not admit of their pushing to their furthest limit the logic of principles, or they would have taken into consideration, in deciding on the form to give to the Chamber, this uncontested fact, that sound is not equally well heard from all the points situated at equal distances from the source of the sonorous vibrations, whilst, on the contrary, it is the more clearly perceived the more nearly the hearer is placed on the line of its direction; thus it happens that the Chamber is truly semicircular instead of being in the form of a segment of a circle more or less large.

In the Chamber of the Corps Legislatif, when the speaker is careful not to turn himself sensibly to one side, his voice is clearly heard from all sides.

The position in which the speaker should be placed in regard to his hearers also decided the height of the tribune. The highest of the steps on which Deputies are placed being, as we have said, 2 metres 68 centimetres, the heads of the hearers seated on the benches of this step being 3 metres 98 centimetres above the ground, the floor of the tribune has been raised 1 metre 10 centimetres, so that the mouth of the speaker is at an average height of 2 metres 90 centimetres.

8 feet 9½ inches.
13 feet 0⅝ inches.
3 feet 7⅝ inches.
9 feet 6¼ inches.

The speaker thus placed is sufficiently raised above the mass of his hearers without being at a height too theatrical and embarrassing.

Marble was used for facing the base of the colonnade, as being the substance best adapted to reflect the sound at once advantageously and sufficiently, in consequence of the rigidity and elasticity of its surface.

The boxes have little depth; their back is covered with a flat hanging of cloth, so that the waves of sound being deadened may not be reflected, and so produce troublesome echoes by breaking against the columns on their return.

The vault of the Chamber is only a vast ceiling diminished by a cove, so as not to increase the body of air already considerable.

This ceiling is without any projection of coffers or mouldings, these little cubes of air which vibrate each at their own rates of vibration, like organ pipes, having been judged hurtful.

The steps are laid securely in masonry arches, so as to prevent all vibration, and they are besides covered with carpets.

5.—*Lighting of the Chamber.*

The sittings of the Corps Legislatif, which open about two o'clock and last till six or seven in the evening, necessitated, at least during a part of the session, a system of lighting both for day and night.

34 feet 0⅜ inches.

The lighting by day is managed by a semicircular glazed ceiling 10 metres 38 centimetres in diameter. Over this glazed ceiling is a skylight, so that the light, which is taken from

from the north, reaches the Chamber subdued by its passage through two glazed surfaces, one of which is ground.

In summer, blinds are stretched above the ceiling-joists.

The lighting by night presents this peculiarity: the light of the gas has to pass through the same glazed ceiling as the daylight, and since the transition to what we have called the lighting by night had to be insensible, the solution of the problem demanded some care.

This transition is managed as follows:—

When the day begins to close in, on the order of the President, two lines of gas jets are lighted, which follow the direction of the concentric iron bars carrying the glass of the ceiling, and then a kind of chandelier, carrying clusters of gas jets, is moved on wheels by the aid of a windlass, and placed in the middle, above the glazed ceiling.

This chandelier is furnished with iron reflectors, and then a set of reflectors are lowered from the circumference of the glazed ceiling so as to provide the ceiling with a reflecting covering.

Air is introduced by numerous orifices to supply the combustion, and pipes are placed in the roof to carry off the products of combustion.

One of these pipes placed above the chandelier moves aside with it; the number of gas jets is 854.

We will just remark that the small number of sittings at which artificial light is used, and the short time during which it is used in those sittings, made it impossible to think of making use of this great source of heat for the ventilation of the Chamber.

We may mention the existence in the Chamber of 36 gas lamps, placed two and two against the pedestals of the columns. They have not been lighted for a long time, as they were found to throw out too much heat.

A lamp is placed on the President's desk, and other lamps for the use of the secretaries, reporters, and shorthand writers, in the corridors of the Chambers.

(signed) *Edmund de Joly*,
The Architect of the Palace of the Corps Legislatif.

Paris, February 1868.

BERLIN.

(*Translation.*)

EXPLANATION of the DRAWINGS of the HOUSE OF PEERS (Herrenhaus) at *Berlin.*

THE premises which contain the offices, &c., of the Herrenhaus were originally a private building, the front portion of which has remained unaltered in the principal features. After the fire in the former Hall of Session, in 1851, this building was appropriated for the use of the then Upper House, and was fitted up for that purpose.

On the conversion of the former Upper House into the present House of Peers (Herrenhaus) an enlargement of the accommodation became necessary. These alterations were carried out in the year 1855, and afforded the House sufficient and convenient accommodation, both from the good arrangement and loftiness of the rooms, and the agreeable situation with reference to the large garden in the rear.

On the creation of the North German Confederation, a suitable hall was required for the sessions of the Imperial Council (Reichstag). The rebuilding of the hall for the House of Representatives was already in contemplation, and this building, as it then existed, was not considered suitable for the purpose. For these reasons it was necessary to make use of the Herrenhouse, for the adaptation of which some alterations were required. They consisted chiefly of improvements in the fittings and providing room for the increased number of Members of the Reichstag, also accommodation for the Federal Commissioners.

The House of Peers (Herrenhaus) consisted at the time of 245 members, and the Reichstag of 296 members.

These alterations were undertaken in the winter of 1866.

The drawings show the resulting form of the building, and particularly the present arrangement of the seats.

It has been important for the advantageous use of the building, that, besides the principal entrance in the centre, there are carriage entrances (*portes cochères*) on either side. The former serves for the members of the House, the Court, and the Diplomatic Body; the right hand entrance for the Ministers, Federal Commissioners, and such of the public as have access to the galleries of the House on that side; the other side entrance for the remaining public, the messengers, &c.

The appropriation of the different rooms, &c., is indicated in the drawings, and it is only necessary to add, that in the front portions of the wing buildings there are two intermediate stories, the lower of which in each case is shown in the plans, and the upper corresponds with it. In the left wing, the lower mezzanim contains the residence of the keeper (castellan); in the upper mezzanim are placed the domestic offices of the President's residence. In the right wing, the ground floor contains the residence of the chief clerk, with domestic offices and servants' room in the front portions of the mezzanim stories; the

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remainder is appropriated for the servants' room, &c., of the official residence of the President. A room on the mezzanim floor over the gateway to the right forms part of the chief clerk's residence.

In the lofty basement under the House are the residences of the minor officials, messengers, &c., also offices connected with the refreshment department, fuel stores, &c.

The connections of the various apartments is on the whole suitable and convenient, and the accommodation is, in all important respects, suited to the requirements. The library and the restaurant are, however, rather circumscribed.

Committee-rooms also are wanted for the Reichstag.

Since the increase in the number of the members of the House of Peers, in consequence of the enlargement of the kingdom of Prussia (and a still further increase is in contemplation), these deficiencies have been more realised; so that a plan is now under consideration for re-constructing and raising the building containing the reading-room and the restaurant, which forms part of the original building.

The warming of the building is effected by separate stoves, except in the Hall of Session, which is warmed by hot air. In the basement floors, immediately under the hall, there are two large circular stoves, each 12 feet diameter, of antiquated construction. From these the heated air is conducted by pipes, and emitted through openings in the floor of the hall. The warmth thus provided is quite sufficient, and, indeed, occasionally excessive; and the heated air rising close to the seats is felt in an unpleasant manner.

No special arrangements were made for ventilation, as, from the small number of the members in proportion to the size of the hall, no deterioration of the air was perceptible; and it was not till the introduction of gas-lights, on the opening of the Reichstag, that it was thought necessary to provide six air-ducts over the ceiling, for conveying the heated air through the roof: the up-draughts in these is maintained by gas jets.

Notwithstanding this provision, at evening sittings, which, however, occur but rarely, and are of short duration, there have been complaints of excessive heat in the House.

The acoustic quality of the Hall is considered good for the moderate size.

(signed) *Blankenstein*,
Royal Inspector of Buildings.

Berlin, 14 December 1867.

(*Translation.*)

EXPLANATION of the DRAWINGS of the HOUSE OF REPRESENTATIVES at *Berlin.*

THE buildings for the House of Representatives, situated No. 75, in Leipzig Street, have not been erected according to one original design, as may readily be seen from the drawings, but belong to different periods.

The building next the street consisted formerly of the official residence of the Chancellor, Graf Hardenberg, with the offices of the Minister of State.

In the year 1848 it became necessary to provide accommodation for the then created Lower House, and these buildings were selected for the purpose, and were adapted during the winter of 1848-49, by the erection of extensive buildings in the garden, the front building remaining, in the main, unaltered.

The buildings were only calculated to last for a few years, and, without even taking into account several important deficiencies arising from the unfavourable form of the site, and the hasty construction, they afforded from the first very inadequate accommodation for so numerous a body.

This became more strikingly apparent when, in consequence of the events of 1866, the number of representatives was increased from 352 to 432.

As the intended new building for the Houses of Parliament could not, even under the most favourable circumstances, and with the most rapid execution, be made available for several years, a further enlargement of the existing buildings became necessary.

The chief objects to be attained were to increase the size of the Hall of Assembly, and to provide a greater number of committee-rooms and other accessories; at the same time to supply some of the most important deficiencies, as far as the restricted space, &c., would permit, and particularly to provide a more satisfactory system of warming and ventilation. These extensions and alterations which were carried out between April and November 1867, have given the buildings their present form, which is represented in the accompanying drawings.

The extension was principally effected by lengthening the centre building towards the north, and by adding wings on each side, right and left, the former in the garden belonging to the original premises, the latter on a slip of ground taken from the garden of the Royal Civil Service Department (Civil Cabinet).

In the building next the street the alterations were unimportant.

The appropriation of the several rooms, &c., is shown in the drawings, in addition to which the following remarks on the general arrangement may be sufficient.

The building towards the street contains on the ground floor rooms for the house porter, the post office, telegraph, and the administration; also two committee-rooms; in a mezzanine storey, the offices of the house.

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The principal floor is occupied by rooms of various sizes, for the sittings of commissions and committees, with the necessary accessories.

The upper floor contains the residence of the chief clerk, and some store rooms.

The Hall of Assembly forms the centre of the mass of buildings situated in the rear, and round it are grouped the requisite accessories.

The principal entrance for the members is across the courtyard and through a raised vestibule, opening into a corridor and ante-room, partly appropriated as a cloak-room; this leads directly into the hall and also gives access to the restaurant, to the reading-rooms, and the library situated on the upper floor.

There is a private entrance for the Ministers and the Court through the building of the Civil Service Department (Civil Cabinet), affording the most direct access to the apartments appropriated to them on the left side of the hall, also to the galleries for the Court and the Diplomatic Body, by means of a circular staircase in the angle between the front building and the left wing building.

The interior arrangement of the Hall of Assembly which is shown in the drawings, is, in the main features, the same as that formerly existing.

By the most careful appropriation of all the available space, the number of seats provided for members is 432, including those which Members are at liberty to place in certain spaces, but exclusive of the seats for the President, and those at the table of the Ministers, as well as those at four writing tables.

Underneath the restaurant, in the basement, which however, is above ground, a carriage way leads through to the back courtyard, and is used for bringing in fuel, stores, &c.

This road also affords access to the galleries appropriated to the public and to the reporters for the press, and the Members of the House of Peers, it is also the entrance for the President and the officers of the House.

The principal group of W. C., &c., for the whole building, is placed next to a small open space at the back of the restaurant, and is appropriated in the basement to the public, with separate entrances for ladies and gentlemen, on the principal floor for Members.

There is another smaller group in the left wing building for the Members, besides separate W. C.s attached to the rooms for the Ministers and the gallery for the Court. The whole are fitted up with W. C. apparatus, and the urinals provided with constantly running water.

The warming of the building is effected partly by separate stoves, and, to a small extent, by hot-water pipes; in the Hall of Assembly, with air heated by steam pipes, combined with a system of ventilation.

The former system of hot-water pipes was found insufficient even for the smaller space then required, but it has been partly made available by rearrangement. Four old coils of pipe have been refixed in the corners of the hall, but they are only used as a reserve in specially cold weather. Another coil is fixed in the correcting (correctur) room, besides which the old pipes are used for warming the library, in which seven new coils are placed.

Arrangements have been made so that the hot-water pipes in each separate room can be shut off at pleasure.

For the warming of the great hall, a large hot-air chamber has been constructed in the basement, under the correcting room, and part of the shorthand writers' room; it is enclosed with double walls, and vaulted in with hollow bricks, in order as far as possible to avoid a loss of heat. This chamber is filled with cast-iron pipes heated by steam. The boiler house is placed adjoining the hot-air chamber, and contains the boilers for the hot-water apparatus, as well as the steam boilers; these latter can be worked to a pressure of four atmospheres.

The length of the steam pipes in the Chamber is 2,432 * feet exclusive of the supply and return pipes; they are of cast iron for the sake of economy, and are three-eighths inch thick (N.B. the diameter is not stated Tr.), so that they present a total heating surface of 3,000 square feet, while the space to be warmed contains 24,000 cubic feet; thus for every square foot of heating surface there are 80 cubic feet to be warmed. 2,470 feet 6 inches

The amount of heating surface was purposely provided in rather an excessive proportion, on account of the considerable distance to be traversed by the warmed air; and the unavoidable loss of heat then occasioned, also in order to insure a sufficient degree of warmth in the hall under unfavourable circumstances or excessive ventilation.

In order, however, not to be obliged to use the whole of the steam pipes in milder weather, they are divided into four sets, each with separate supply pipes and stop cocks, so that they can be used independently.

The warm air is supplied to the hall in the following manner:—Two fan blowers are fixed at the level of the floor of the air chamber; they draw the supply of air from a shaft opening out into the adjoining garden of the "Civil Cabinet," the openings into the shaft being protected with wire netting.

For working the fans a six-horse engine is fixed next the boiler house and is supplied by one of the boilers. The waste steam from the engine is used in the pipes. The fan blowers are each 3 ft. 6 in. diameter, and one foot high, with four fans, making about 480 revolutions per minute, so that taking 30 per cent. as the effective result, 180 cubic feet of fresh air are delivered per second, at which rate the whole of the air in the hall and galleries could be renewed in about 22 minutes. 3 feet 6¾ inches

The

* The Prussian foot is 12·19 inches Tr.

App. No. 2.

Berlin.

The air is driven by the blowers through the floor of the heating chamber, which is formed with iron gratings; it then passes up between the steam pipes and through openings formed near the ceiling, whence it is conducted under the floor of the great hall in three large air-ducts; from these it is carried up by 23 flues in the thickness of the wall to a horizontal flue surrounding the whole of the hall and immediately below the cornice of the dado, the front of which is formed with an open iron ornamental grating.

The air thus enters the hall about 10 feet above the floor, and no draft is felt by anyone.

The supplying air-ducts have everywhere a minimum section of 50 square feet, so that if the blowers are driven at the rate above mentioned, the air moves at the rate of 3 ft. 6 in. per second, and, owing to the large exit surface provided by the open gratings, the rate is even less when the air enters the hall.

The removal of the vitiated and cooled air is effected by suction through the draft created in the chimney shaft from the boiler furnaces. The openings through which the vitiated air is removed from the hall are placed as near as possible to the point where the vitiation is caused, namely, the floor; they are principally formed in the risers of the steps on which the seats are placed, as also in other suitable vertical surfaces. The whole of the space under the floor, so far as it is not occupied by the fresh air-ducts, is used as a collecting chamber for the vitiated air, from whence it is drawn down by 11 vertical shafts into one large horizontal shaft formed at the level of the basement floor and under the centre of the hall; through this it passes into the chimney shaft, which is eight feet in diameter and 60 feet high.

The shaft is heated by the iron smoke pipes from the boiler furnaces, besides which, however, there is a separate small furnace for heating the shaft in summer.

The chimney shaft and the collecting shafts for the vitiated air have also a minimum section of 50 feet in order to insure sufficient ventilation, particularly in summer, even with a moderate draught.

It remains to be mentioned, that in order to keep up the temperature in the warm air supply shafts, wrought-iron steam pipes are carried along them, as well as the copper supply pipes for the hot-water pipes. Valves are fixed in the 23 vertical warm air flues in order to regulate the draught; this has been found very useful, as the temperature of the air passing into the hall diminishes as the distance from the heating chamber increases; therefore the valves are partially closed on the side nearest the heating chamber. The arrangement for setting the valves is concealed in the walls, and so contrived that it cannot be tampered with by any unauthorised persons. Valves are also provided, where the air passes from the heating chamber into the ducts, so that it can be shut off as may be required, particularly on the closing of the sittings, in order to preserve the heat of the chamber.

In the same way the shaft for the vitiated air can be regulated by valves, and an arrangement is provided by which the same air can be passed again through the heating chamber; by this means the hall can be heated more rapidly when ventilation is not required.

Finally, in order to provide the means of rapidly lowering the temperature in case of the hall becoming overheated, as frequently happens when the gas is lighted, two tubes are fixed in the heating chamber, one end having a trumpet mouth, which can be brought immediately in front of the fan blower, the other end is contracted in funnel shape, and opens directly into the warm air duct, so that, by this means, cold air can be driven direct into the duct.

These tubes are formed upon the principle of the ventilators designed for the Paris Exhibition building by the engineer, M. de Mondesir; the strong draught which they create draws some of the warm air from the heating chamber and mixes with the cold air, and prevents any cold draught from being felt.

These arrangements afford the means of regulating the temperature of the hall, as may be desired, and of keeping the air constantly pure.

Complaints which occurred at first, as to excessive heat or draughts, when they were not the result of mere imagination, arose from improper arrangement of the heating and ventilation, which may be readily explained by the want of experience of the persons in charge, and sometimes from the orders being contradictory or being misunderstood.

It is, of course, unavoidable that the cold air enters the hall when any doors are opened; but, to prevent this as far as possible, all doors are provided with *portières;* also, all the corridors, staircases, vestibules, &c., are partially warmed, either by ordinary or gas stoves. No unpleasant dryness of the air has been experienced so far, the temperature in the heating chamber not being generally raised higher than 40° Reaumur (122° Fahrenheit); it has not, therefore, been found necessary to fix the water vases for evaporation as originally intended.

As the sittings of the House of Representatives very rarely occur in the summer months, the above-described arrangements appeared to be sufficient for all purposes; power is reserved, however, to introduce a spray shower into the supply air shaft, if it should be thought necessary, during the sittings of the German Customs Parliament, which are also to be held in this building.

This would still further purify the air, which, however, can hardly require it, as the entrance of the supply shaft is in a garden, and under large trees.

The lighting of the hall is effected in the daytime partly by the windows situated at the back of the galleries on two sides, but chiefly by a skylight occupying the centre of the ceiling throughout the whole length of the hall. This skylight has triple glazing; level with

with the ceiling there is double glass, diapered ground glass below, and plain ground above; level with the roof there is double glazing of green-tinted ground glass.

The skylight affords an ample supply of light in the dullest weather, while, on the other hand, in the brightest sunshine that has occurred, the light has not been found too dazzling.

As to the acoustic properties of the hall, it may be observed that the oblong form, and the position of the speakers' rostrum at the side, are unfavourable; notwithstanding which the Members are able to hear very well.

The effect in the galleries is less satisfactory, particularly in that behind the President, and therefore at the back of the speaker. This difficulty might have been overcome by placing the speaker in a different position; but this was rendered impracticable with reference to the situation of the entrances and the general arrangement; it would also have led to other inconveniences.

(signed) *Blankenstein*,
Royal Inspector of Buildings.

Berlin, 14 December 1867.

FLORENCE.

NOTES made upon the LEGISLATIVE CHAMBERS of the Kingdom of *Italy*, in *Florence*, to accompany the Plans and Drawings made of the said Chambers.

THE Legislature of the Kingdom of Italy consists of Senators and Deputies.

The Senators have their Chamber at the Palace of the Uffizzi, in a large hall, which was originally the theatre of that palace when built by Vasari, in 1560; it was afterwards used as a court of justice, and in 1866, remodelled, and made the Senate Hall of the kingdom, upon the transference of the capital from Turin.

It is a fine room, 84 feet long, 65 feet wide, and about 47 feet high.

It is lighted by four windows in the east wall, and at night by gas brackets of five lights each fixed round the walls and gallery; there are also single light standards on the third row of benches at short intervals; the galleries are lighted in the same way.

The ceiling of the Chamber is covered, the centre being flat, with slight mouldings, forming panels of different sizes and shapes. These panels are filled with figure subjects and arabesque ornamentation in fresco, the mouldings relieved with gold.

The upper part of the walls are also covered with arabesques, the lower part white and gold.

The galleries are also white and gold, the columns are striped perpendicular with white and blue, and have highly relieved arabesque designs in gold.

The gallery (1.) runs in a semicircle across the the north end of the Chamber, and contains the accommodation for different classes of spectators.

(1.) *See* plan and drawings, sheets 2 and 3, No. 2.

The lower gallery is devoted to ladies, gentlemen, and magistrates, reporters of the press, and "revisori," or examiners.

The upper gallery is for the army and national guard, and the general public.

At the south end on either side of the President's tribune, are two galleries—that on the right for the ambassadors of foreign courts, that on the left for the deputies of the other House.

See drawing, sheet 3, No. 1.

The body of the Chamber is occupied by the President's tribune; above this is a full length portrait of his Majesty the King; immediately in front of the tribune is the table for the Ministry; the benches of the Senators range round the hall in amphitheatre form, 372 seats in number. Every possible attention has been paid in the arrangement for the comfort and convenience of the Members.

See plan and sheets and 3, No. 2.

The seats and their arrangements are similar to those in the Chamber of Deputies, and are well worthy of consideration.

The chamber is warmed by hot air passing through gratings in the centre area and passages leading to Members' benches. There is no special system of ventilation for carrying off the exhausted air; therefore the quality of the air in the Chamber is not very good.

The acoustic properties of the Senate Chamber are good, very superior to those of the Chamber of Deputies; doubtless, this is to be attributed to the considerably lower altitude of the ceiling and comparative smallness of the room.

The table of the Government reporters occupies the centre of the room.

NOTES upon the CHAMBER of DEPUTIES.

THE Deputies of the kingdom of Italy sit in the "Sala dei Cinquecento," of the Palazzo Vecchio, adjoining that of the Uffizzi.

The Sala was originally built for the popular council, proposed by Savinarola, towards the end of the 15th century; the massive ceiling is all that remains of that date.

In the 16th century, Vasari altered the Sala, and covered the walls with frescoes, and

App. No. 2.

Florence.

filled the panels of the ceiling with oil paintings representing the triumphs of the Medici family over the Florentine Republic; the gallery at the south end belongs to the time of the Vasari alterations.

This hall is an irregular oblong, the end walls not being at right angles with those of the side. The total length is 184 English feet by 73½ wide, and 62 high.

See plan and drawing, sheets 2 and 3, No. 3.

The hall being too large for the use of the Deputies when making the necessary alterations in 1866, a wooden partition was erected, dividing the hall into two unequal parts; the larger part was fitted up as the Chamber of Deputies, and the smaller part as a cloak and waiting room for the Members.

See plan and sheets 2 and 3.

The space given to the Chamber is 115 feet long, 73½ wide, and 62 high; the arrangement of benches is that of a long amphitheatre similar to the Senate House.

The President's tribune is against the partition, which is decorated with a full length portrait of the King, and a large unfinished group on either side, by John of Bologna and Michael Angelo.

In front of the tribune is a desk and passage where the balloting basket is placed, and in front of that, the table of the Ministry; in the centre of the area is the table of the Government reporters.

See plan and sectional drawings, Nos. 1 and 2.

In front of the tribune, at the south end of the Chamber, are the galleries; the lower one of semicircular form, raised a few feet above the upper row of benches, is appropriated to the following classes of spectators: left, for ladies; centre, magistrates and ex-deputies; right, allotted to the reporters of the press and correspondents.

The upper gallery is divided into three parts—left, gentlemen; centre, army and national guard; right, public, the two latter have standing-room only.

See drawing, sheet 3, No. 2.

Above the upper gallery is a glazed screen, through which the light comes from three large windows in the south end of the hall.

The chamber is lighted from these windows, and also smaller ones just below the roof, in the side walls. The light in the daytime is sufficient for all purposes; for the evening sittings it is lighted with gas brackets of alternate two and five burners are fixed round the walls and gallery.

The ceiling is flat in general form, massive beams intersecting each other, forming panels of differing size and depth of recession; the beams are richly and heavily ornamented with mouldings, and have pendants at the intersections; gilding is extensively used; this, with the deep-toned oil pictures, gives a very rich appearance to the Chamber. The frescoes on the walls look poor and weak, and are in very bad taste.

The Chamber is warmed by hot air, which passes through gratings in the area floor and passages leading to the seats of the Members; but there is no special provision for ventilation, so that the air in the Chamber is bad in quality. Before the canvas screen was erected over the wooden partition, entirely shutting out the other part of the hall, I was told "that a sitting in the Chamber would be a certain means of taking cold," and that even now it is very bad.

The acoustic properties of the Chamber are very bad; in the galleries it is very difficult to hear, and in many instances almost inaudible. I have gathered from persons connected with the Chamber, that the "acoustics are as bad as they possibly can be," "and that the Chamber is inconvenient and unfit for the purpose for which it is used." The Members speak from their benches.

See drawing of seats, with the particulars.

The arrangement of the benches, and their conveniences, are the same as in the Senate House, except that the much longer ranges of benches here make it rather inconvenient for the Members passing and repassing each other, which interferes with business and comfort; but in other particulars they are worthy of consideration.

There are 492 benches. Each seat distinct, and 2 feet wide. In the lock-up box, under the desk, there is a spring communication with the door, each Member is provided with this.

The Members' *entrée* and exit doors are just below the galleries (No. 16, sect. 1).

Both Chambers are on the first floor of the respective palaces of the Vecchio and Uffizzi.

In collecting the materials for the foregoing observations, no examination has been made of arrangements for committee or other rooms, or anything external to the said Chambers. Everything that could be of any use to the Committee of the House of Commons has been thoroughly examined and reported upon.

Florence, 12 February 1868. *John Wharlton Bunney.*

Washington.

WASHINGTON.

(No. 85.)

My Lord, Washington, 24 December 1867.

With reference to your Lordship's Despatches, Nos. 201 of the 2nd of October, and 222 of the 8th of November, I have now the honour to transmit to your Lordship copy of a note, together with its enclosures, that has been addressed to me by the Secretary of State in reply to a request I made him, in accordance with your Lordship's instructions to that effect,

effect, to be furnished for the use of a Select Committee of Parliament, with information and plans concerning the construction of the Capitol of the United States.

I should state, however, that the Chambers of the Senate, and of the House of Representatives at the Capitol, can hardly be considered as eligible models for the use of deliberative assemblies.

The acoustic properties of the Lower House are extremely imperfect, and in the Senate the ventilation is so defective, that a committee was some time ago appointed to inquire into the best means of remedying it, and a plan was proposed by which the roof of the building was to be raised.

A Bill of appropriation, however, to carry the alterations into effect failed to pass the Lower House, and no further action has for the moment been taken in the matter.

During the summer fresh air is introduced into the Senate by means of flues, in which layers of ice are placed.

I have, &c.
(signed) *F. C. Ford.*

The Lord Stanley.

Department of State, Washington,
21 December 1867.

Sir,

With reference to the notes which you did me the honour to address to me on the respective dates of the 19th of October last, and 22nd ultimo, requesting, for the use of a Select Committee of Parliament, certain information and plans concerning the construction of the Capitol of the United States, I have the honour to enclose a copy of a letter of the 19th inst. from Brigadier General Michler, and the papers and plans accompanying it, which contain the information sought for.

I have, &c.
(signed) *W. H. Seward.*

F. C. Ford, Esq.
&c., &c., &c.

Office of Public Buildings, Grounds, and Works,
Washington, 11 December 1867.

Sir,

In compliance with the request of Mr. F. C. Ford, Chief d'Affaires of the British Government, contained in your communication of the 25th of October, desiring to be furnished with the dimensions of the Legislative Chambers, together with particulars as to their construction, &c., I have the honour to forward you several photographic copies of plans and sections, and also a printed report relative to warming and ventilation of said Chambers. Enclosed is also a copy of a letter from Mr. Edward Clark, Architect of the Capitol Extension, explanatory of the drawings, and giving additional information in regard to heating, ventilating, and acoustic qualities of the halls. I hope the information will prove satisfactory to Mr. Ford.

I am, &c.
(signed) *N. Michler,*
Brevet Brigadier General U.S.A.

Honourable W. H. Seward,
Secretary of State, Washington, D.C.

Architect's Office, U.S. Capitol Extension,
Washington D.C. 11 December 1867.

General,

In compliance with yours of the 30th of November, requesting plans and sections of the Legislative Chamber of the Capitol, with the particulars of their construction, acoustic qualities, and general accommodation, I have the honour to submit several photographic copies of plans and sections, and also a printed report relative to warming and ventilation.

Plan No. 1. The general arrangement of the principal floor, No. 2. South wing; Hall of Representatives. No. 3. North wing; Senate Chamber. No. 4. Longitudinal section of the House of Representatives. No. 5. Transverse section of same. No. 6. Desks. No. 7. Chair.

The Hall of Representatives is 93 × 139 feet. The Senate Chamber, 80 × 113 feet; each 36 feet high from floor to ceiling. Both halls are lighted from above by means of skylights. The illuminating apparatus being in the loft between the inner and outer skylights. The roof and iron ceiling are supported by iron rafters. The ceiling is of iron, with central panels of ornamental glass to admit light.

The chairs and desks are arranged in semicircles, as will be seen on the plans of the halls.

By the accompanying Report you will find a description of the method of heating these halls, written by Mr. Walter, the former architect of this work, by which it will be found that they are heated substantially as the Houses of Lords and Commons are.

While there is constant complaint relative to the heating, as must always be the case where rooms are to accommodate persons of different temperaments, and which are required to be heated for the comfort of the few on the floors, and the hundreds in the galleries, yet the acoustic qualities of the halls are so satisfactory, that no official complaints have been made on that subject.

I am, &c.
(signed) *Edward Clark.*
Architect U.S. Capitol Extension.

Brevet Brigadier General
N. Michler, U.S. Army.

App. No. 2.

Vienna.

VIENNA.

(Translation.)

THE Ministry for Foreign Affairs did not fail to forward immediately to the Ministry of the Interior the request of the 10th instant.

This Ministry now states that the information at its disposal respecting the dimensions, construction, and the acoustic, as well as other properties of the Houses of Parliament here, would hardly be of a nature to be satisfactory to Her Majesty's Government, since a merely temporary building was assigned to the Chamber of Deputies of the Reichsrath, and the Upper House holds its sittings in a building which was not originally destined for it, and which in consequence is not fully adapted for the purpose, namely in the Sessions Hall of the former Provincial Diet in the Landhaus.

It is stated, in the same communication, that, owing to an invitation for tenders made a few years since for building new Houses of Parliament, plans were sent in, among which were several by architects of this country; but no decision has yet been arrived at, and the better plans and drawings have been sent to the Exhibition now being held in Paris, where they still remain.

While submitting the foregoing facts to his Excellency Lord Bloomfield, &c., the undersigned avails himself, &c.

(For the Minister of Foreign Affairs.)

Lord Bloomfield. (signed) *Meysenburg.*

Brussels.

BRUSSELS.

(No. 142.)

My Lord, 12 November 1867.

I HAVE had the honour to receive your Lordship's Despatch, No. 81, of the 8th instant, instructing me to obtain particulars respecting the dimensions, construction, acoustic properties, and general accommodation of the Legislative Chambers in Brussels.

I at once took steps with a view to ascertain how the object indicated by your Lordship could be attained.

I learn that the architect, who had of late been employed in the latest works to improve the Belgian Chambers, died a few months ago; this may render it difficult to meet the wishes of the Select Committee satisfactorily; at all events, the undertaking will be accompanied by expense for a work which appears to me as quite unlikely to be of the slightest use to the Committee.

The Belgian Chambers have certainly no particular merit; they are very small; they are on the model of the French Chambers.

The benches and desks of the Members are in a semicircle, in front of the President and the Secretaries.

The gallery for strangers is behind the seats of the Members, and is inconvenient for hearing; and indeed the general acoustic qualities of the halls, &c., &c., are but indifferent. But although, considering the small numbers of Members, the building may not have faults attended with serious inconvenience, yet in an increased scale they would be more sensible.

The number of Members are as follows:—58 Senators and 116 Deputies.

I have, &c.

Lord Stanley. (signed) *H. de Walden and Seaford.*

PLANS.

LIST OF PLANS.

PLAN G proposed by Mr *Headlam*, M.P.

PLAN D for a NEW HOUSE of COMMONS, by *E. M. Barry*, A.R.A.

Plan of Principal Floor	Scale 20 feet to an inch.
Plan of Mezzanine	ditto - ditto.
Plan of the One Pair Floor	ditto - ditto.
Plan for New Dining Rooms	ditto - ditto.
Plan of House, D	8 feet to an inch.
Plan of Mezzanine or Gallery, D	ditto.
Plan of First Floor, D	ditto.
Longitudinal Section	ditto.
Transverse Section	ditto.
Plan of House, D 1	ditto.
Plan of House, D 2	ditto.
Plan of House, D 3	ditto.
Plan of House, D 4	ditto.

PARIS

Senate Chamber:

Ground Plan, 8 feet to an inch.
Section - ditto.

Chamber of the Corps Legislatif:

Ground Plan - 8 feet to an inch.
Plan of Upper Galleries - ditto.
Section - ditto.

BERLIN

House of Lords:

Ground Plan - 20 feet to an inch,
First Floor Plan, 20 - ditto.
Second - ditto - ditto.
Plan of House - 8 feet to an inch.
Plan of Gallery Floor - ditto.
Section - ditto.

House of Representatives:

Ground Plan - 20 feet to an inch.
Principal Floor Plan, 8 ditto.
First Floor Plan - 20 ditto.
Plan of House - 8 ditto.
Plan of Gallery Floor - ditto.
Longitudinal Section - ditto.
Transverse - ditto - ditto.

FLORENCE

Senate House:

Plan of House - 8 feet to an inch.
Plan of Gallery Floor - ditto.
Longitudinal Section - ditto.
Transverse Section, looking towards Galleries, 8 feet to an inch.
Transverse Section, looking towards Tribune - ditto.

Chamber of Deputies:

Plan of House - 8 feet to an inch.
Longitudinal Section - ditto.
Transverse Section, looking towards Galleries, 8 feet to an inch.
Transverse Section, looking towards Tribune - ditto.

WASHINGTON

General Plan of the Capitol, 53 feet to an inch.

Senate House:

Plan of House, 8 feet to an inch.

House of Representatives:

Plan of House, 8 feet to an inch.
Section - ditto.

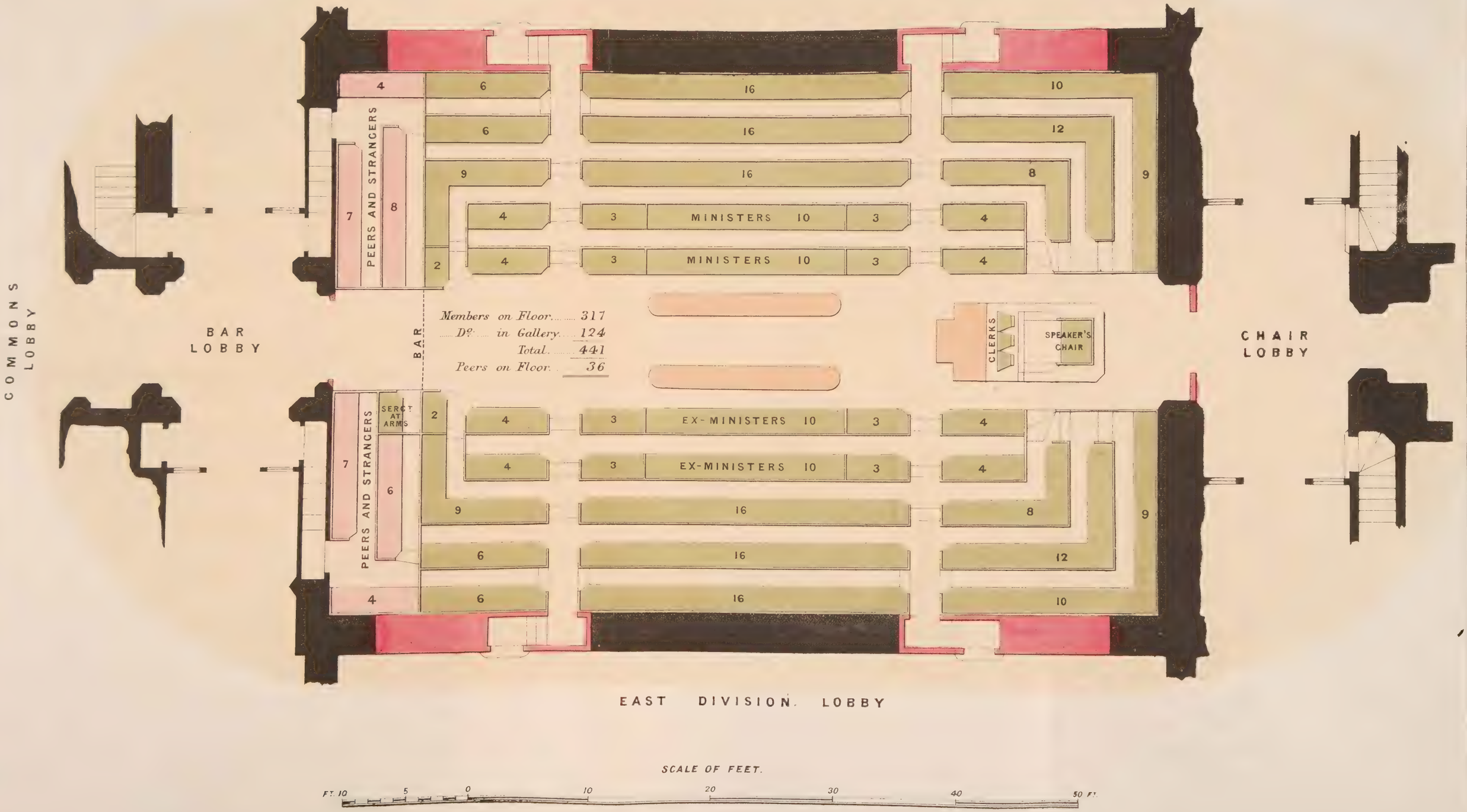
CANADA

Parliament Buildings:

Plan of Ground Floor, 20 feet to an inch.
Plan of First Floor - ditto.
Transverse Section, 8 feet to an inch.

HOUSE OF COMMONS.

PLAN G. PROPOSED BY Mr HEADLAM, M.P.



SCALE OF FEET.

FT. 10 5 0 10 20 30 40 50 FT.

Westminster,
March 11th, 1868.

PLAN D. FOR A NEW HOUSE OF COMMONS.

BY E.M.BARRY. A.R.A.

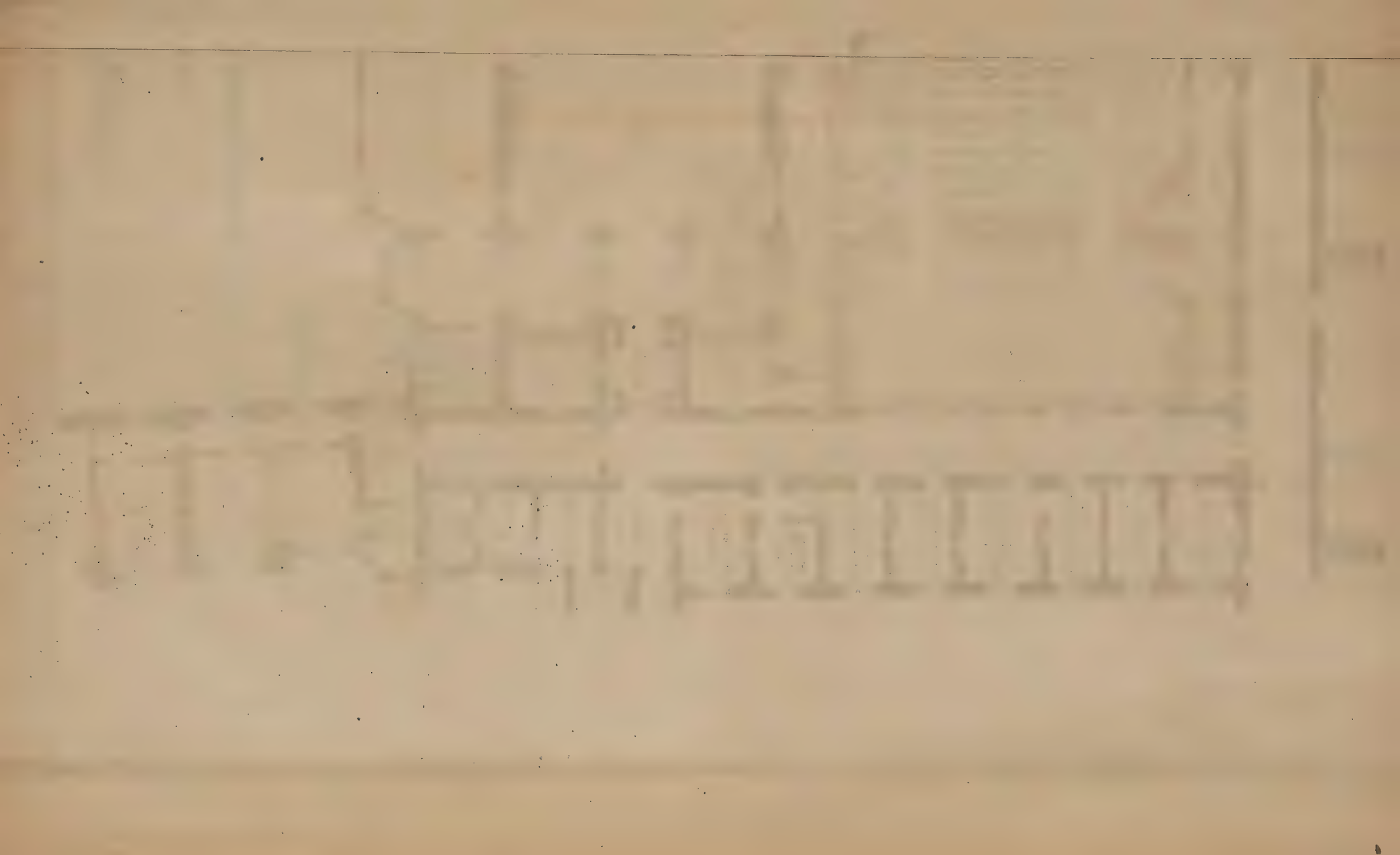
PLAN OF PRINCIPAL FLOOR.

Scale of Feet.

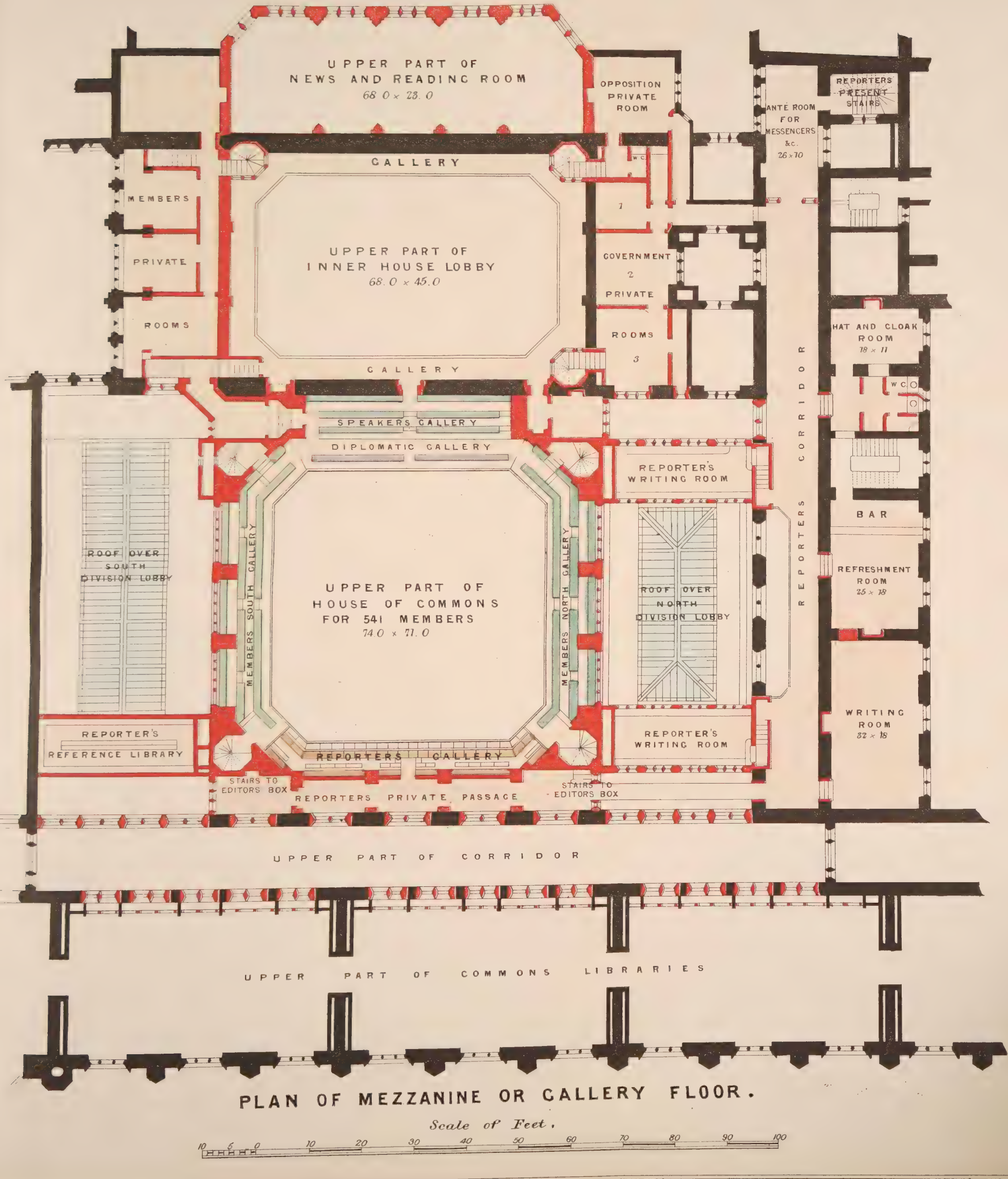
10 5 0 10 20 30 40 50 60 70 80 90 100

NEW VOTES & PROCEEDINGS OFFICE
CISTERN TOWER
STAIRS
STRANGERS STAIRS
STAIRS
NEW VOTE OFFICE
DIVISION CLERKS
VENTILATING OFFICE
STAIRS
B
NEW NEWS AND READING ROOM 68.0" x 23.0"
A
STAIRS
REFRESHMENTS
STAIRS
EX SECRETARY OF TREASURY
URINALS
W.C
ANTE LOBBY
LOBBY
W.C.C
DOOR KEEPER
OFFICIAL ROOMS
REPORTERS
STAIRS
COURT
BACK STAIRS
COMMONS HOUSE LOBBY
NEW INNER HOUSE LOBBY 68.0" x 44.0"
PRIVATE LOBBY
LOBBY
SECRETARY OF TREASURY
STAIRS
C
SECRETARY OF TREASURY
CABINET ROOM
PRIVATE ROOM
POST OFFICE
OPPOSITION PRIVATE ROOM
CORRIDOR
CORRIDOR
W.C
SPEAKERS RETIRING ROOM
TRAIN BEARERS ROOM
W.C
PRIVATE STAIRS
CHAIRMAN OF COMMITTEE
STAIRS
PEERS AND STRANGERS
PEERS AND STRANGERS
STAIRS
SPEAKERS SECRETARY
CLERKS
SOUTH DIVISION LOBBY 60.0" x 32.0"
PLAN D.
HOUSE OF COMMONS
63.0" x 63.0"
FOR 541 MEMBERS
NORTH DIVISION LOBBY 60.0" x 30.0"
SECOND CLERK ASSISTANT
CHAIRMAN OF COMMITTEE
SECOND CLERK ASSISTANT
SPEAKER
ASSISTANT LIBRARIAN
SPEAKER'S COUNSEL
STAIRS TO TERRACE AND REFRESMENTS ROOMS
W.C. W.C.
CORRIDOR
CORRIDOR
W.C. W.C.
LIBRARIAN
COMMONS CORRIDOR
THE SPEAKERS CORRIDOR
COMMONS PRIVATE CORRIDOR
SUITE OF COMMONS LIBRARIES

N.B. A *Members Stairs to Private Rooms.*
B *Public Stairs to ditto.*
C *Stairs to Government Private Rooms.*



PLAN D. FOR A NEW HOUSE OF COMMONS
BY E.M.BARRY. A.R.A.



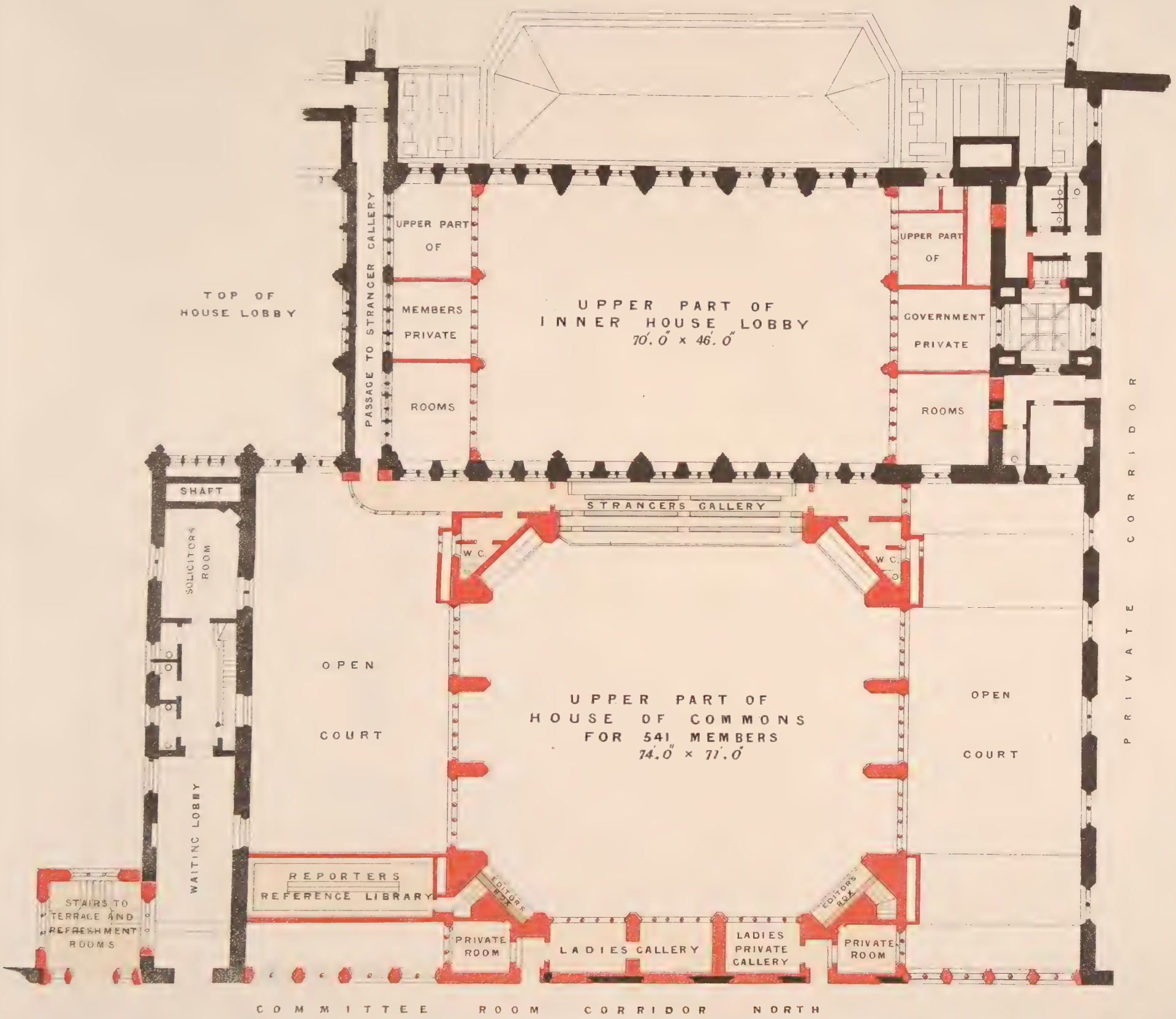
PLAN OF MEZZANINE OR GALLERY FLOOR.

Scale of Feet.

10 5 0 10 20 30 40 50 60 70 80 90 100

PLAN D. FOR A NEW HOUSE OF COMMONS.

BY E.M.BARRY. A.R.A.



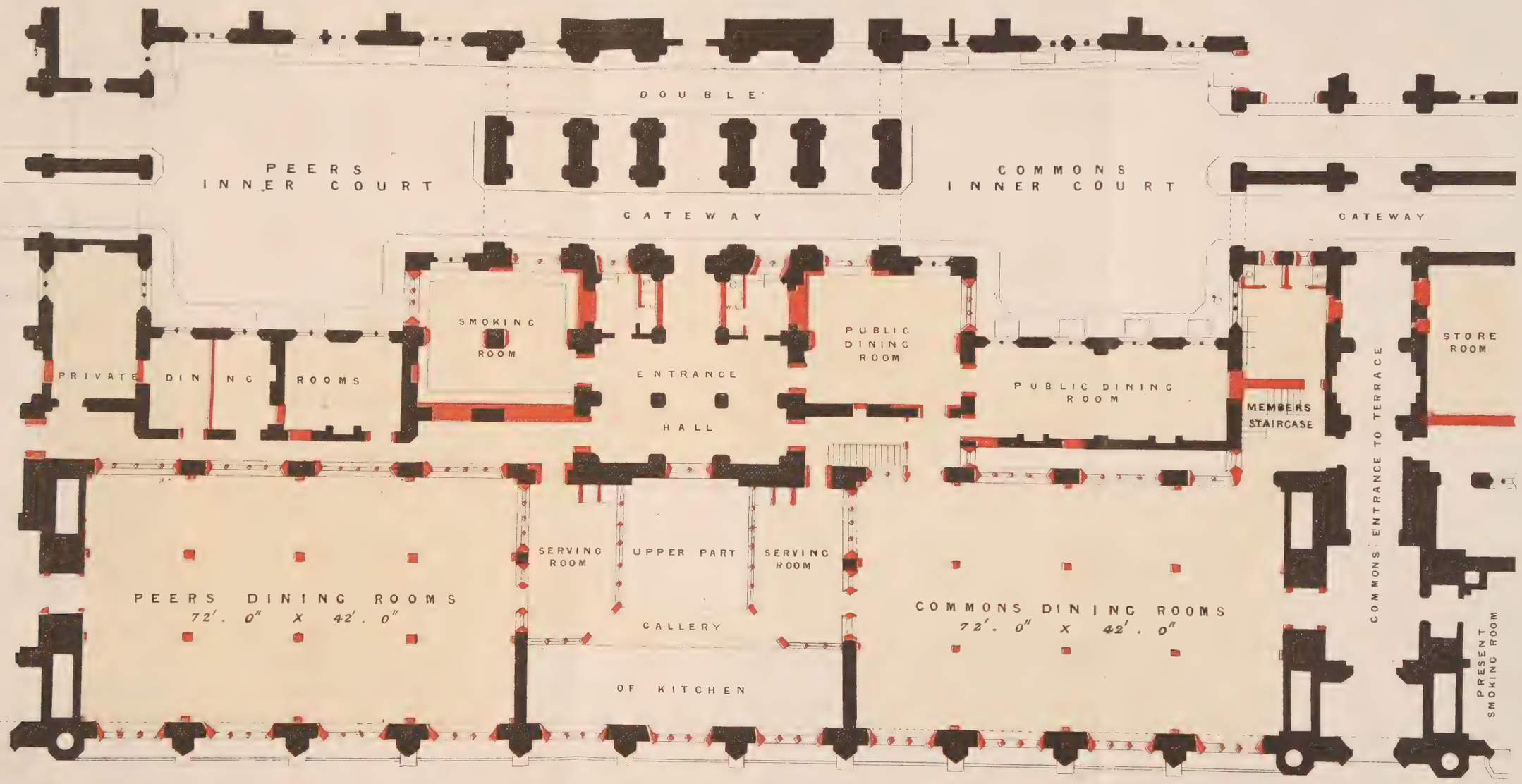
PLAN OF THE ONE PAIR FLOOR.

Scale of Feet.

NEW PALACE AT WESTMINSTER.

PROPOSED CENTRAL REFRESHMENT ROOMS FOR THE HOUSE OF LORDS, THE HOUSE OF COMMONS AND THE PUBLIC.

BY E.M. BARRY, A.R.A.

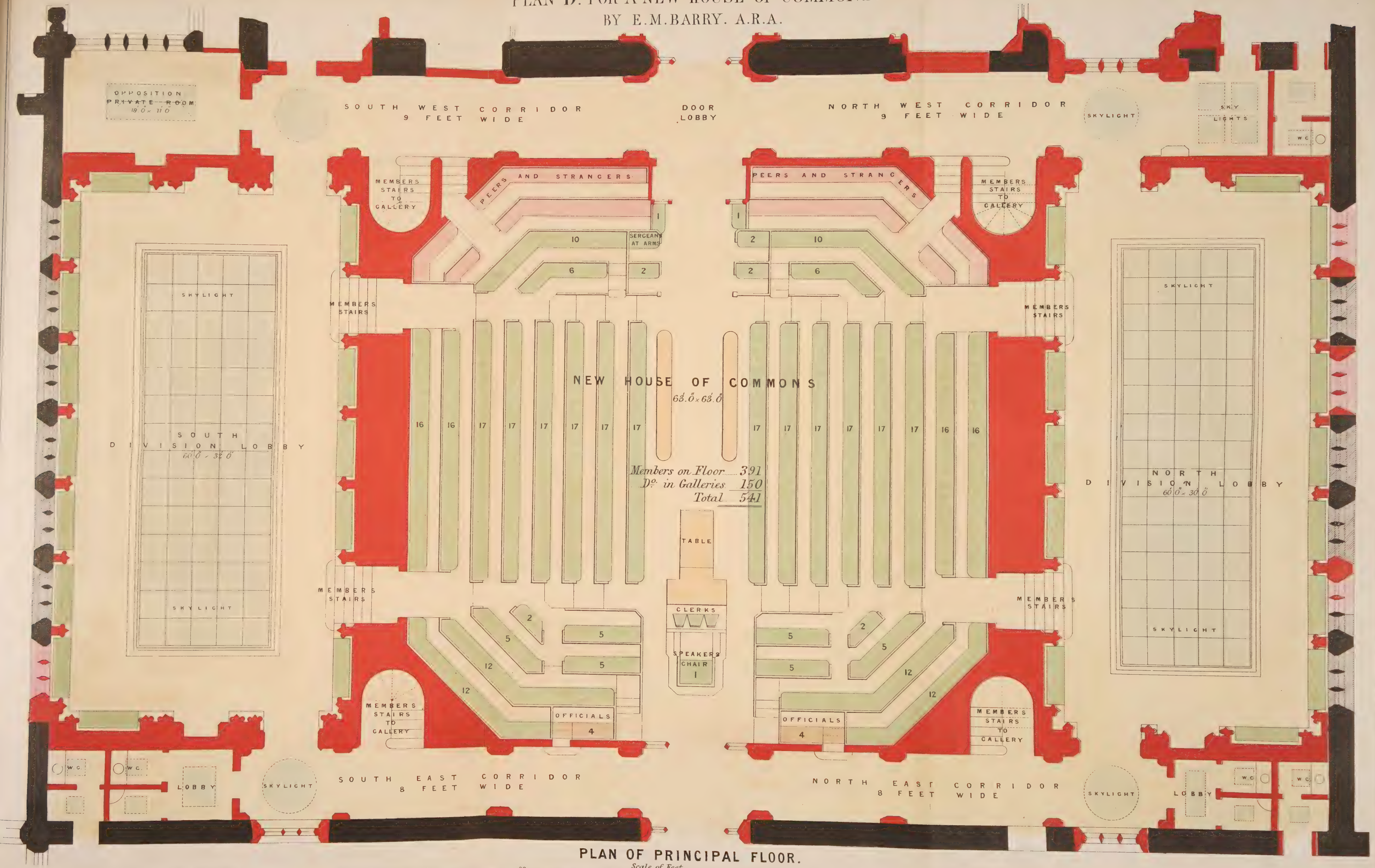


Scale of Feet.

10 5 0 10 20 30 40 50 60 70 80 90 100

PLAN D. FOR A NEW HOUSE OF COMMONS.

BY E.M.BARRY. A.R.A.

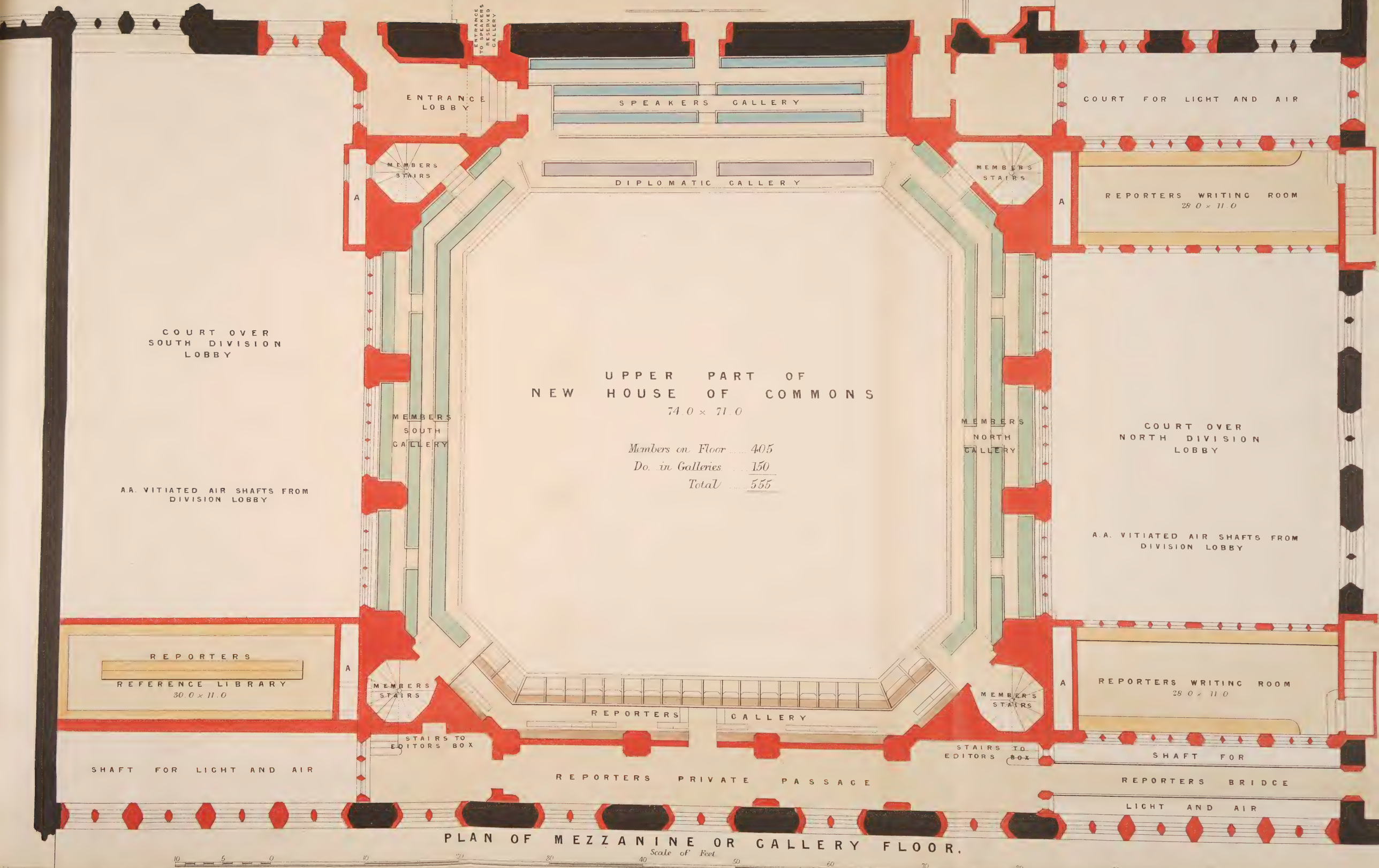


PLAN OF PRINCIPAL FLOOR.

Scale of Feet.

PLAN D. FOR A NEW HOUSE OF COMMONS.

BY E.M.BARRY. A.R.A.



PLAN OF MEZZANINE OR GALLERY FLOOR.

Scale of Feet

10 5 0 10 20 30 40 50 60 70 80 90 100

PLAN D. FOR A NEW HOUSE OF COMMONS.

BY E.M.BARRY. A.R.A.

STRANGERS PASSAGE

STRANGERS GALLERY

STRANGERS RETIRING ROOM

COURT OVER SOUTH DIVISION LOBBY

W C

W C

ROOF OVER REPORTERS WRITING ROOM

UPPER PART OF NEW HOUSE OF COMMONS

74.0 71.0

S.S. SUN BURNERS

REPORTERS

REFRENCE LIBRARY

EDITORS BOX

EDITORS BOX

SHAFT FOR LIGHT & AIR

PRIVATE ROOM

LADIES GALLERY

LADIES PRIVATE GALLERY

PRIVATE ROOM

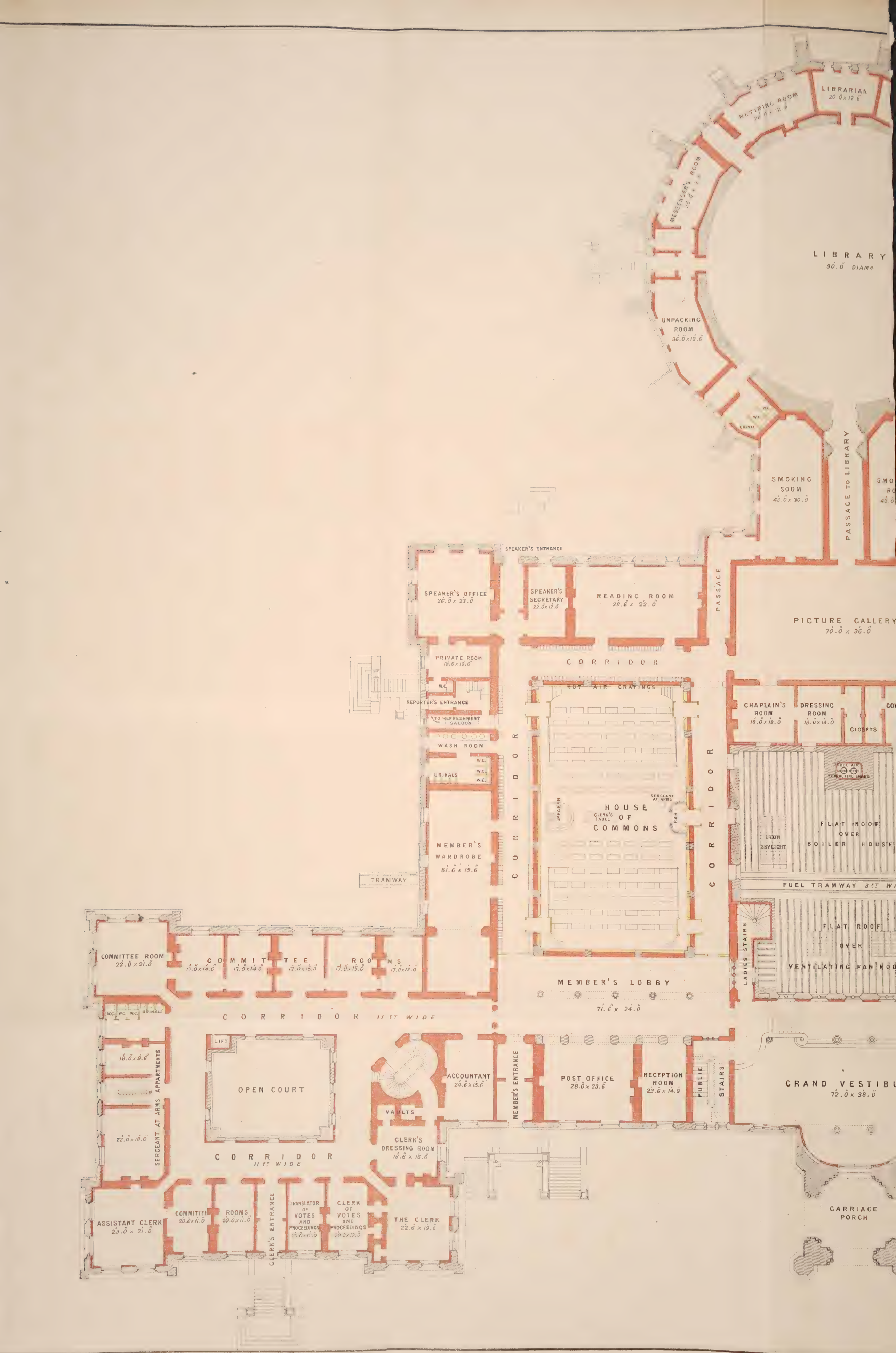
ROOF OVER REPORTERS WRITING ROOM

COURT OVER NORTH DIVISION LOBBY

PLAN OF FIRST FLOOR.

Scale of Feet.

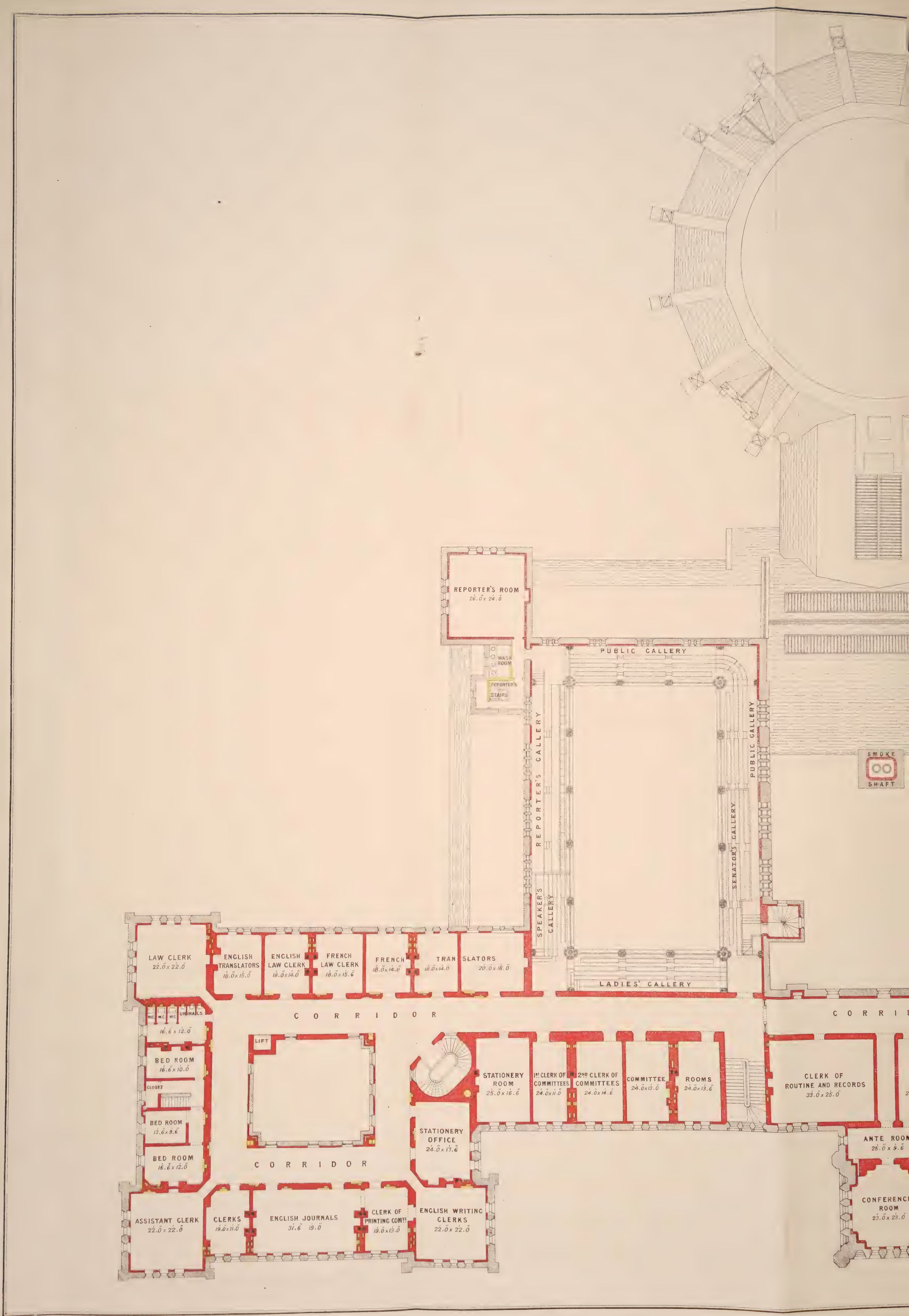
10 5 0 10 20 30 40 50 60 70 80 90 100


LIBRARIAN
20.0 x 12.6
RETIRING ROOM
20.0 x 12.6
MESSENGER'S ROOM
26.0 x 2.
LIBRARY
90.0 DIAMR.
UNPACKING ROOM
36.0 x 12.6
W.C.
W.C.
URINAL
SMOKING SOOM
43.0 x 30.0
PASSAGE TO LIBRARY
SMO
RO
43.0
SPEAKER'S ENTRANCE
SPEAKER'S OFFICE
26.0 x 23.0
SPEAKER'S SECRETARY
22.0 x 12.0
READING ROOM
38.6 x 22.0
PASSAGE
PICTURE GALLERY
70.0 x 36.0
PRIVATE ROOM
19.6 x 10.0
W.C.
REPORTER'S ENTRANCE
TO REFRESHMENT SALOON
WASH ROOM
W.C.
W.C.
URINALS
W.C.
CORRIDOR
HOT AIR GRATINGS
CHAPLAIN'S ROOM
18.0 x 19.0
DRESSING ROOM
18.0 x 14.0
CLOSETS
FOUL AIR SMOKE FLUES EXTRACTING SHAFT
SPEAKER
CLERK'S TABLE
HOUSE OF COMMONS
SERGEANT AT ARMS
BAR
IRON SKYLIGHT
FLAT ROOF OVER BOILER HOUSE
FUEL TRAMWAY 3 FT WI
MEMBER'S MEMBER'S WARDROBE 61.6 x 19.6
TRAMWAY
COMMITTEE ROOM 22.0 x 21.0
COMMITTEE ROOMS 17.0 x 14.6 17.0 x 14.0 17.0 x 15.0 17.0 x 15.0 17.0 x 13.0
W.C. W.C. W.C. URINALS
CORRIDOR 11 FT WIDE
MEMBER'S LOBBY
71.6 x 24.0
LADIES STAIRS
FLAT ROOF OVER VENTILATING FAN ROO
18.0 x 9.6
SERGEANT AT ARMS APPARTMENTS
22.0 x 18.0
LIFT
OPEN COURT
CORRIDOR 11 FT WIDE
VAULTS
ACCOUNTANT 24.6 x 15.6
CLERK'S DRESSING ROOM 18.6 x 16.0
MEMBER'S ENTRANCE
POST OFFICE 28.0 x 23.6
RECEPTION ROOM 23.6 x 14.0
PUBLIC
STAIRS
GRAND VESTIBU 72.0 x 38.0
CARRIAGE PORCH
ASSISTANT CLERK 23.0 x 21.0
COMMITTEE ROOMS 20.0 x 11.0 20.0 x 11.0
CLERK'S ENTRANCE
TRANSLATOR OF VOTES AND PROCEEDINGS 20.0 x 10.0
CLERK OF VOTES AND PROCEEDINGS 20.0 x 12.3
THE CLERK 22.6 x 19.6

PARLIAMENT BUILDINGS, CANADA.

PLAN OF GROUND FLOOR.

SCALE 20 FEET TO AN INCH.


REPORTER'S ROOM
26.0" x 24.0"
WASH ROOM
REPORTER'S STAIRS
PUBLIC GALLERY
REPORTER'S GALLERY
SENATOR'S GALLERY
PUBLIC GALLERY
SMOKE SHAFT
SPEAKER'S GALLERY
LADIES' GALLERY
LAW CLERK
22.0" x 22.0"
ENGLISH TRANSLATORS
18.0" x 15.0"
ENGLISH LAW CLERK
18.0" x 14.0"
FRENCH LAW CLERK
18.0" x 15.6"
FRENCH
18.0" x 14.0"
TRANSLATORS
18.0 x 14.0
20.0" x 18.0"
W.C. W.C. W.C. URINALS
16.6" x 12.0"
BED ROOM
16.6" x 10.0"
CLOSET
BED ROOM
13.6" x 9.6"
BED ROOM
16.6" x 12.0"
CORRIDOR
LIFT
CORRIDOR
ASSISTANT CLERK
22.0" x 22.0"
CLERKS
19.0" x 11.0"
ENGLISH JOURNALS
31.6" 19.0"
CLERK OF PRINTING COMTE
19.0" x 13.0"
ENGLISH WRITING CLERKS
22.0" x 22.0"
STATIONERY OFFICE
24.0" x 17.6"
STATIONERY ROOM
25.0" x 16.6"
1st CLERK OF COMMITTEES
24.0" x 11.0"
2nd CLERK OF COMMITTEES
24.0" x 14.6"
COMMITTEE ROOMS
24.0" x 13.0"
24.0" x 13.6"
CLERK OF ROUTINE AND RECORDS
33.0" x 25.0"
ANTE ROOM
25.0" x 9.6"
CONFERENCE ROOM
23.0" x 23.0"

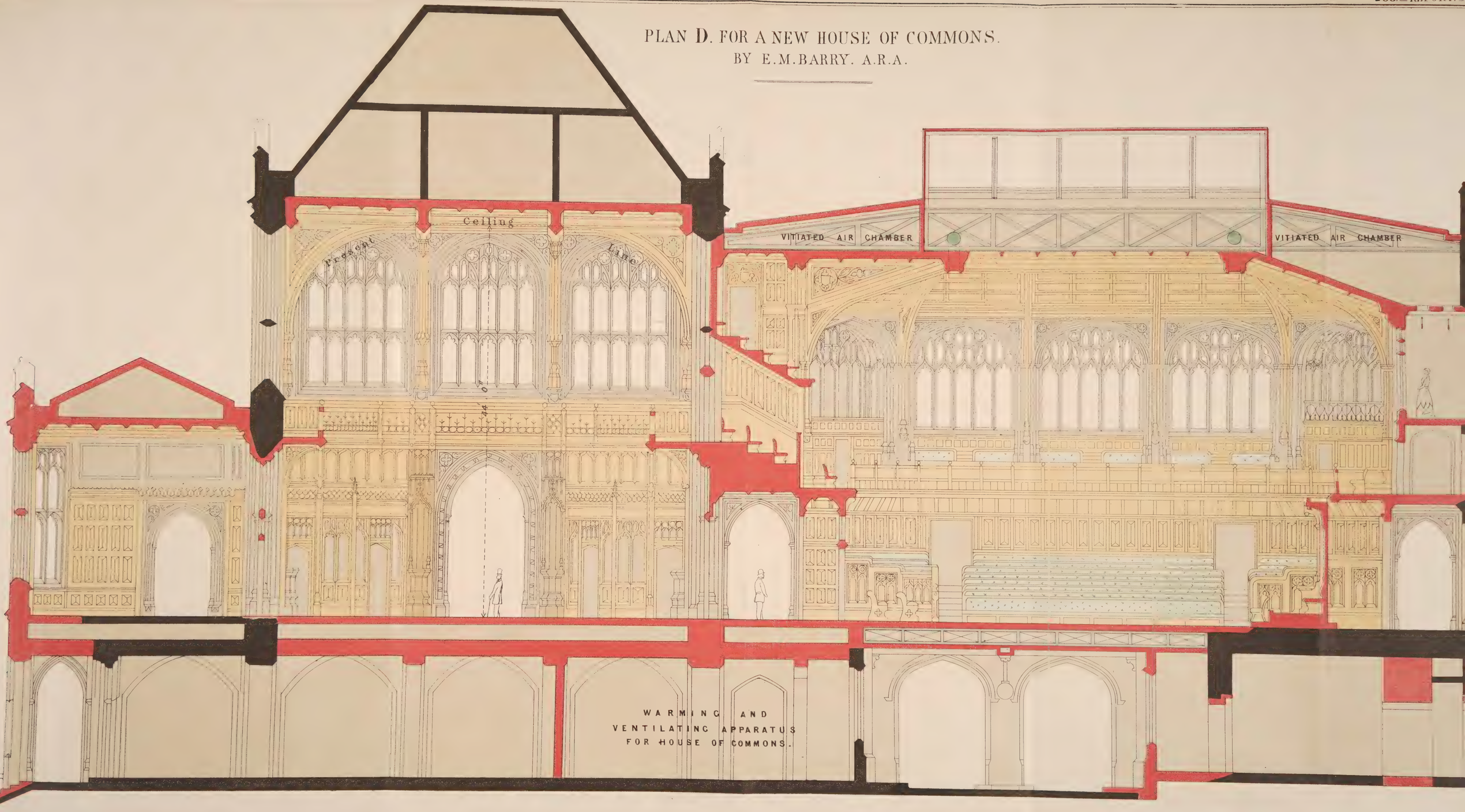
PARLIAMENT BUILDINGS, CANADA.

PLAN OF FIRST FLOOR.

SCALE 20 FEET TO AN INCH.

PLAN D. FOR A NEW HOUSE OF COMMONS.

BY E.M.BARRY. A.R.A.



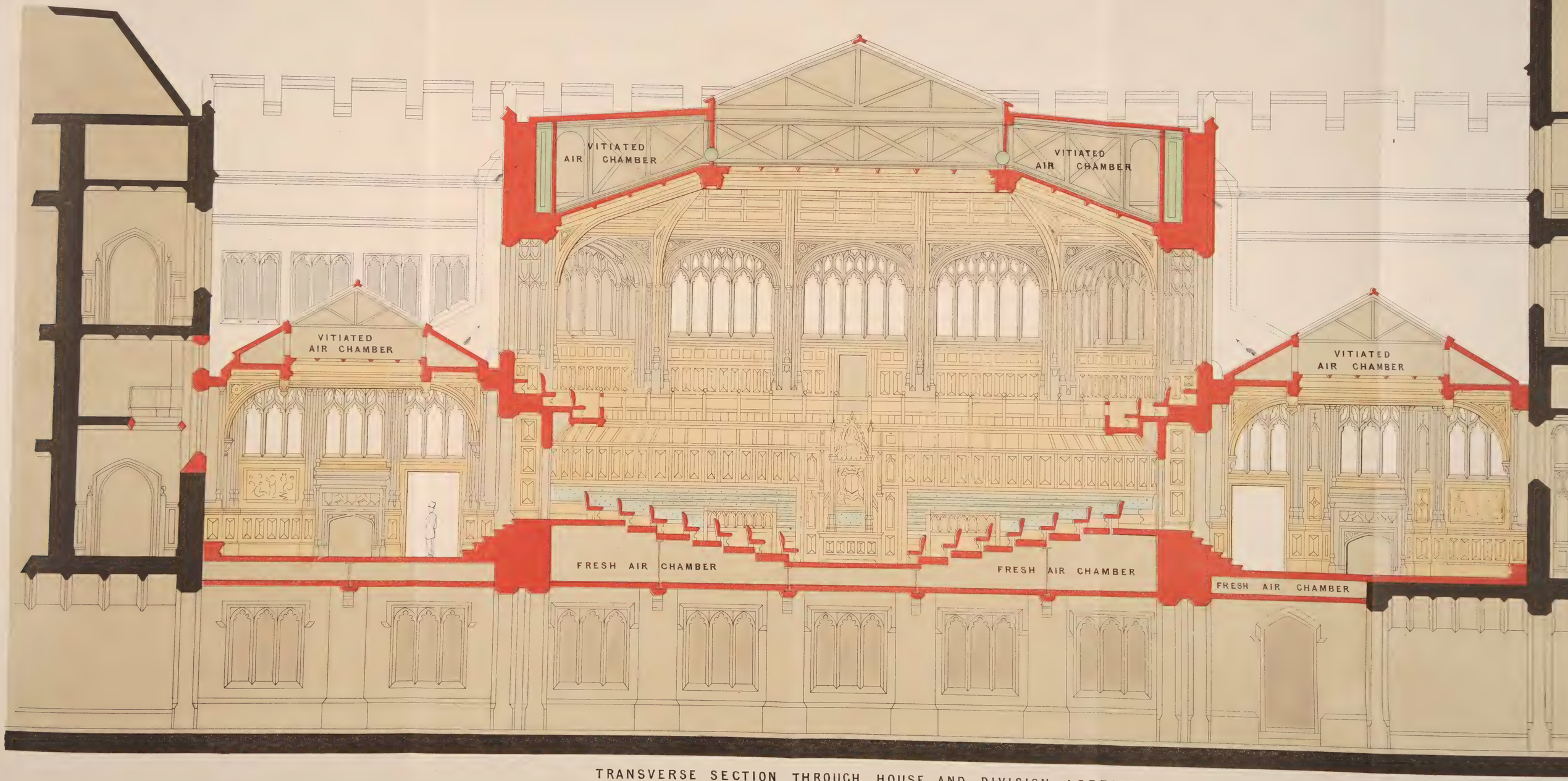
LONGITUDINAL SECTION THROUGH READING ROOM NEW LOBBY (THE PRESENT HOUSE) AND NEW HOUSE OF COMMONS.

Scale of Feet.

10 5 0 10 20 30 40 50 60 70 80 90 100

PLAN D. FOR A NEW HOUSE OF COMMONS.

BY E.M.BARRY. A.R.A.



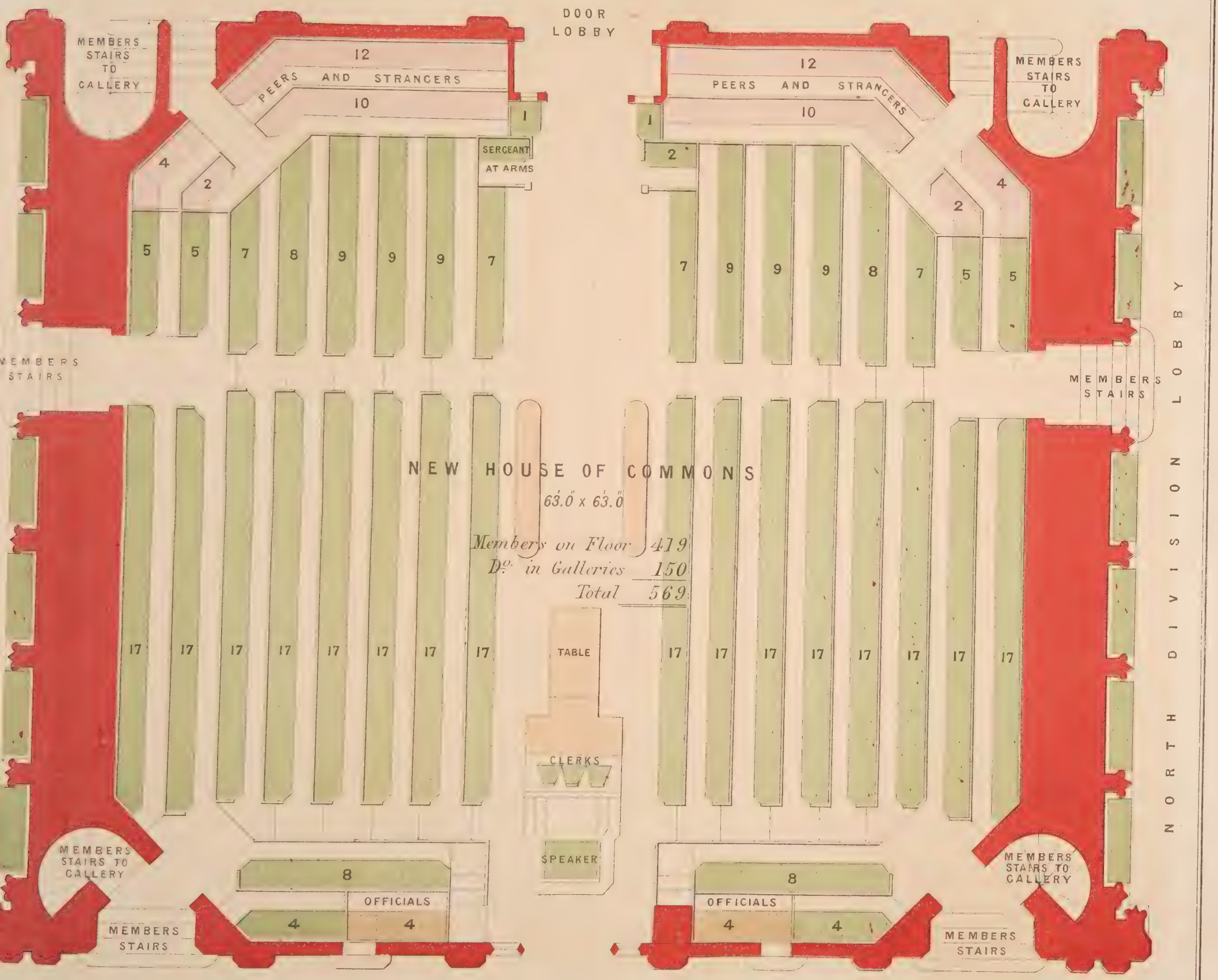
TRANSVERSE SECTION THROUGH HOUSE AND DIVISION LOBBIES.

Scale of Feet.

10 5 0 10 20 30 40 50 60 70 80 90 100

PLAN D.[1] FOR A NEW HOUSE OF COMMONS.

BY E.M.BARRY. A.R.A.

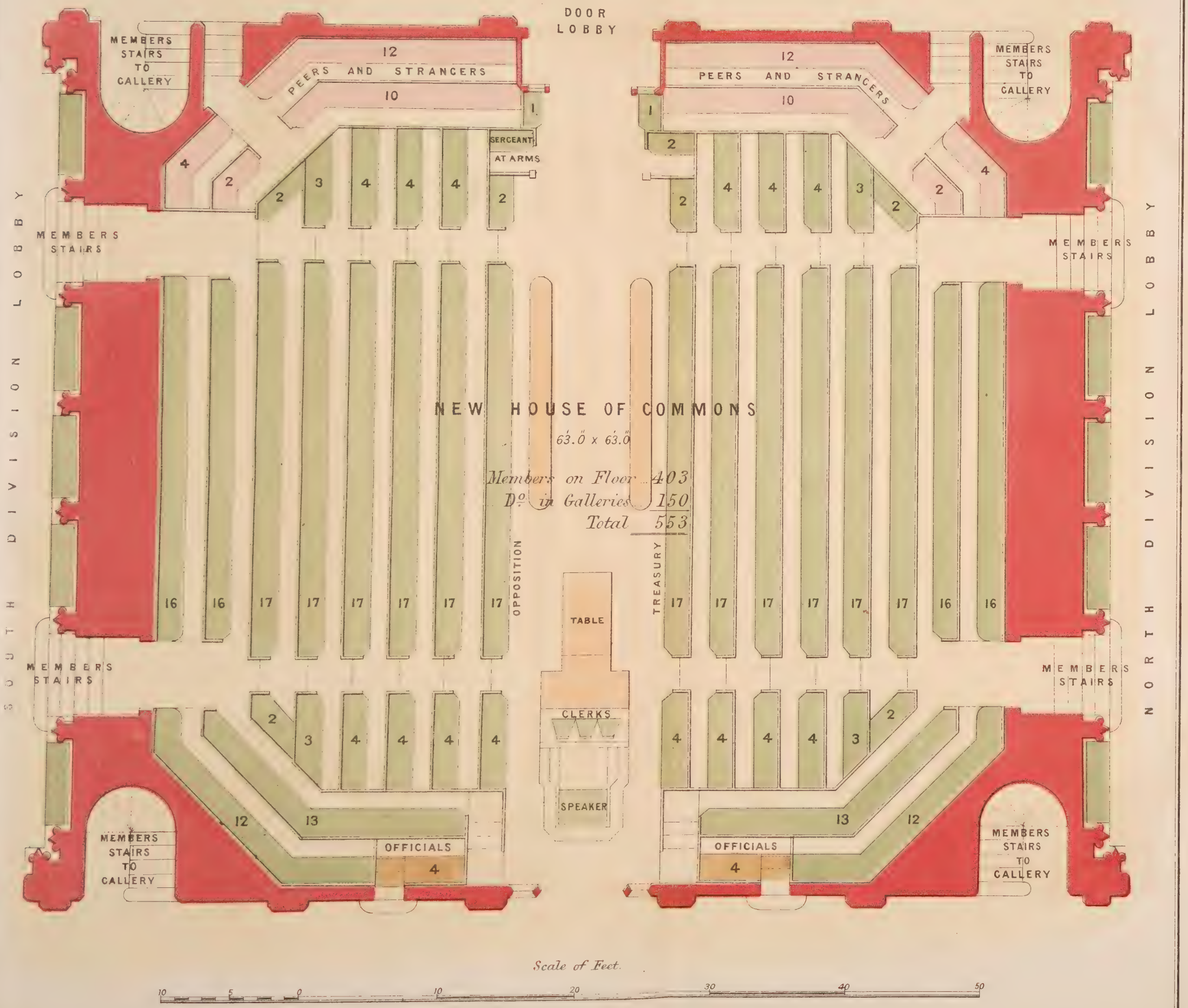


Scale of Feet.

10 5 0 10 20 30 40 50

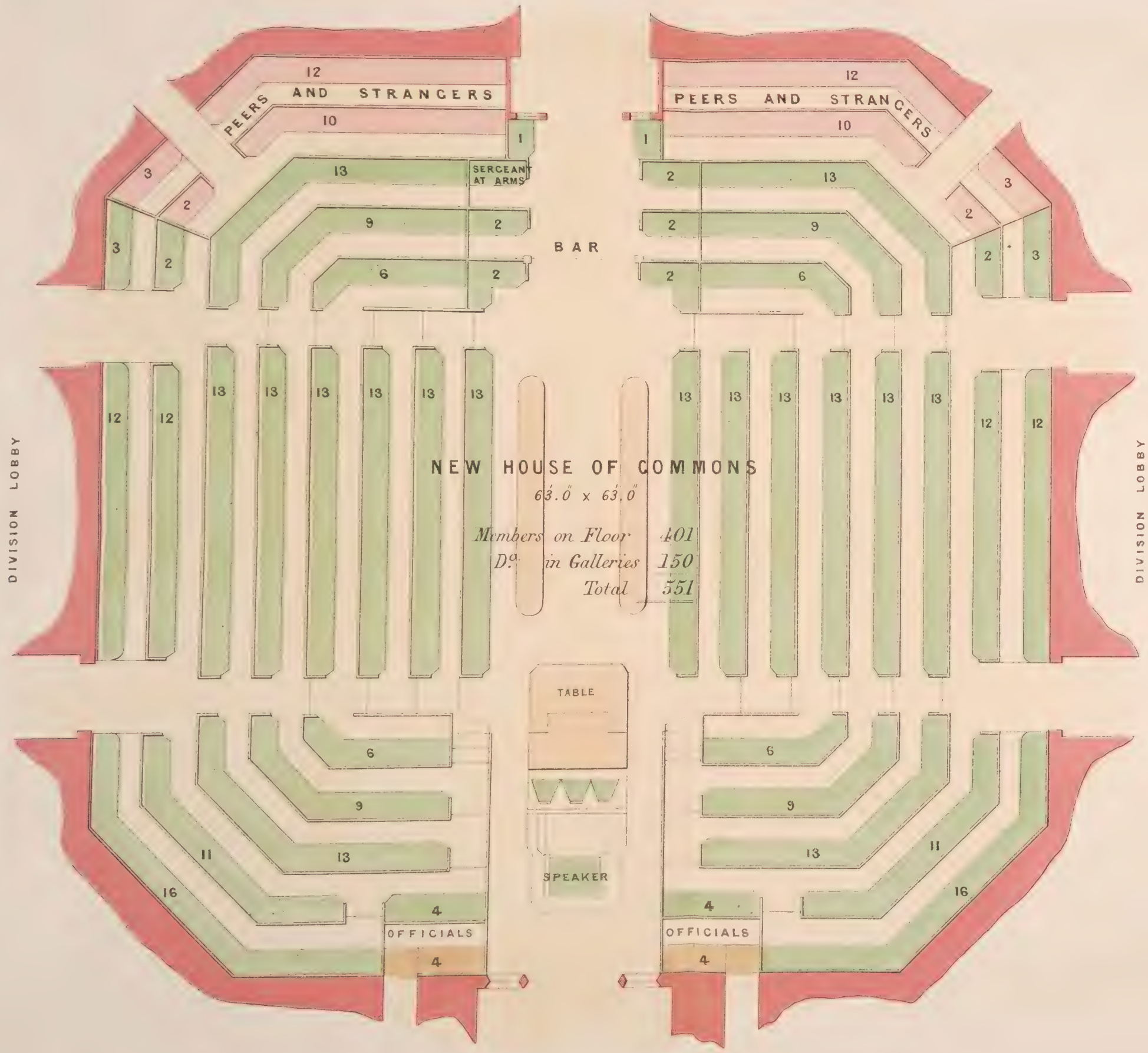
PLAN D$^{2}_{.}$ FOR A NEW HOUSE OF COMMONS.

BY E.M.BARRY. A.R.A.



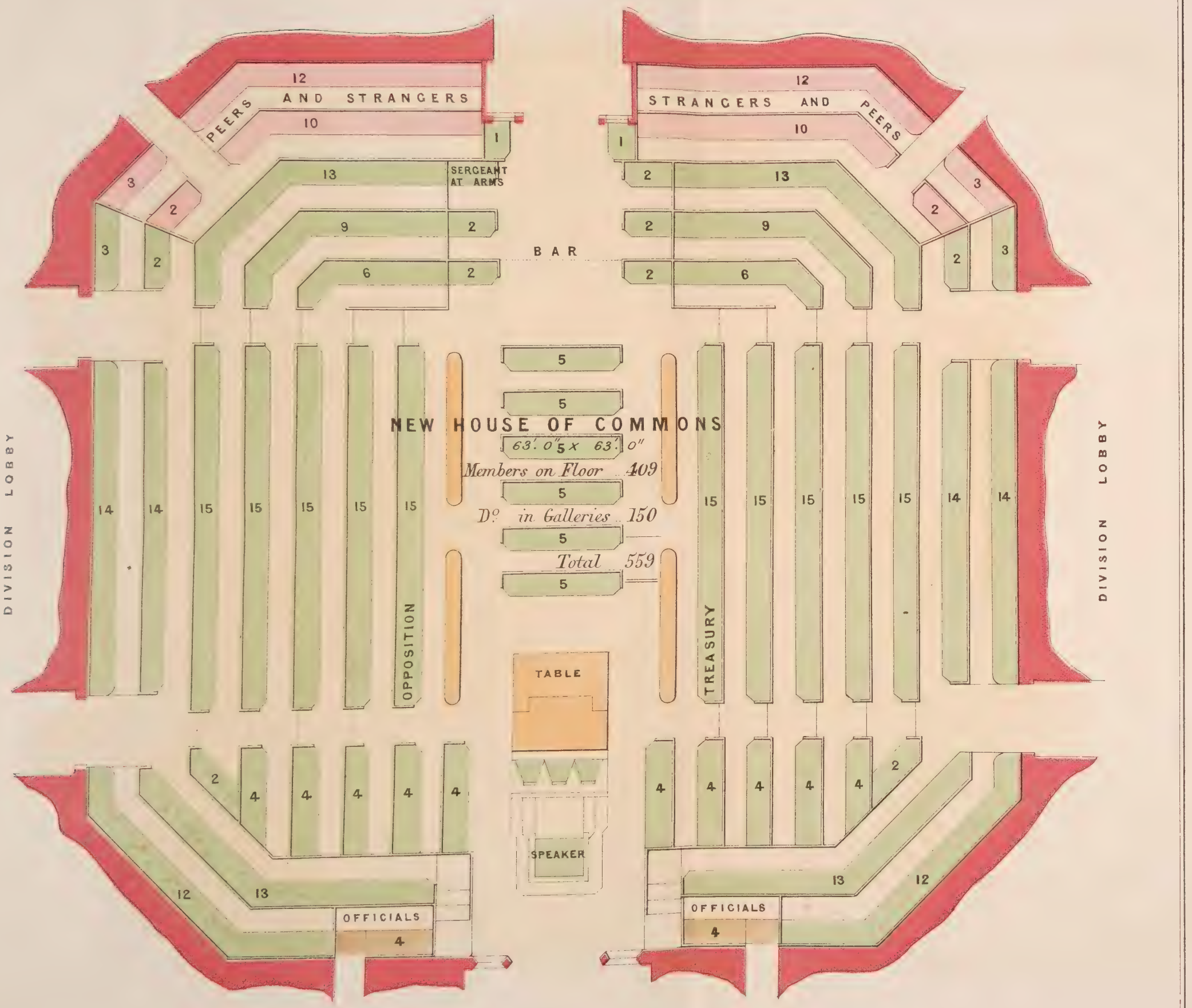
PLAN D$^{3}_{4}$ FOR A NEW HOUSE OF COMMONS.

BY E.M.BARRY. A.R.A.



PLAN D^{o} FOR A NEW HOUSE OF COMMONS.

BY E.M.BARRY. A.R.A.

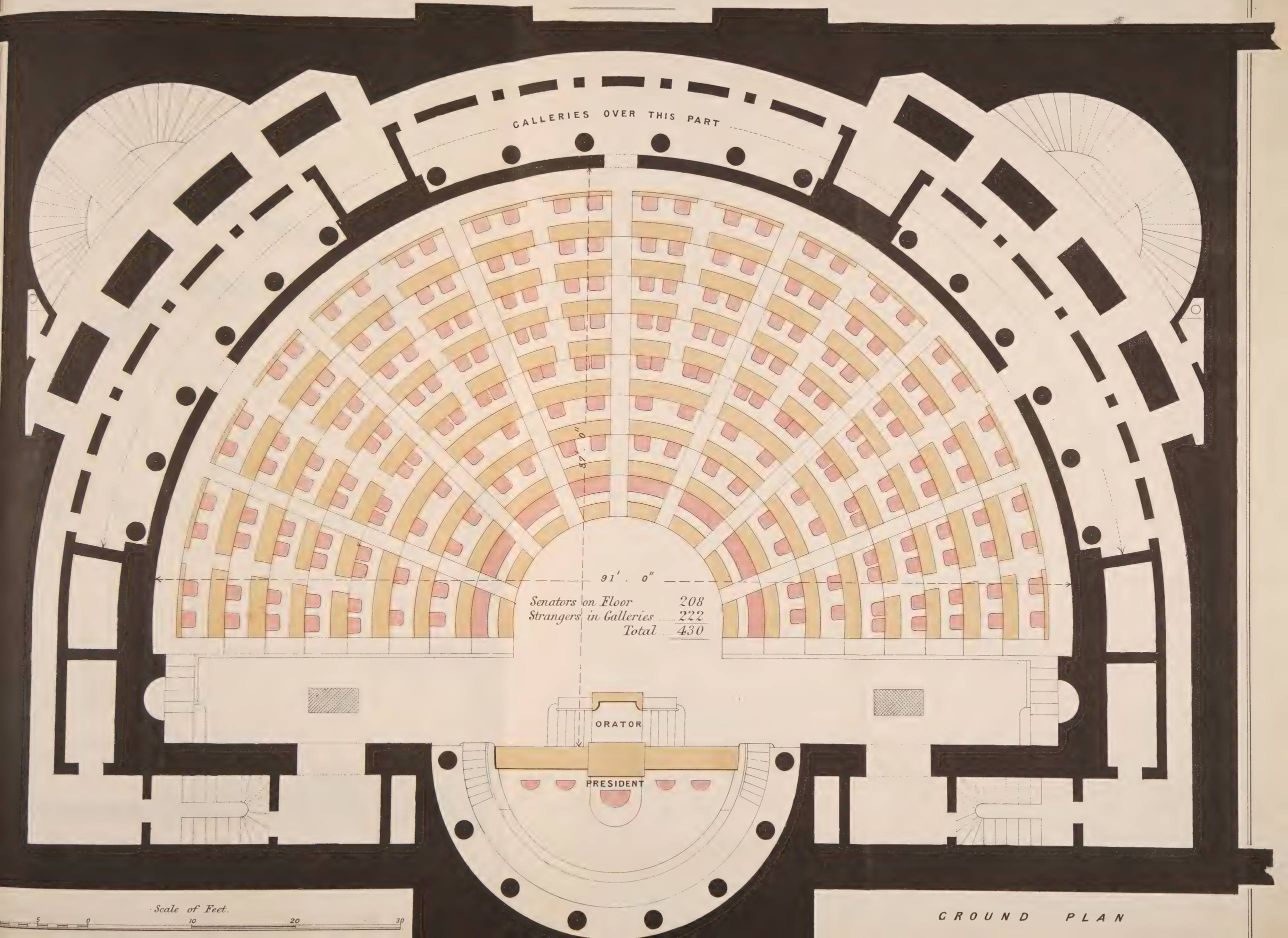


Scale of Feet.

10 5 0 10 20 30 40 50

PARIS.

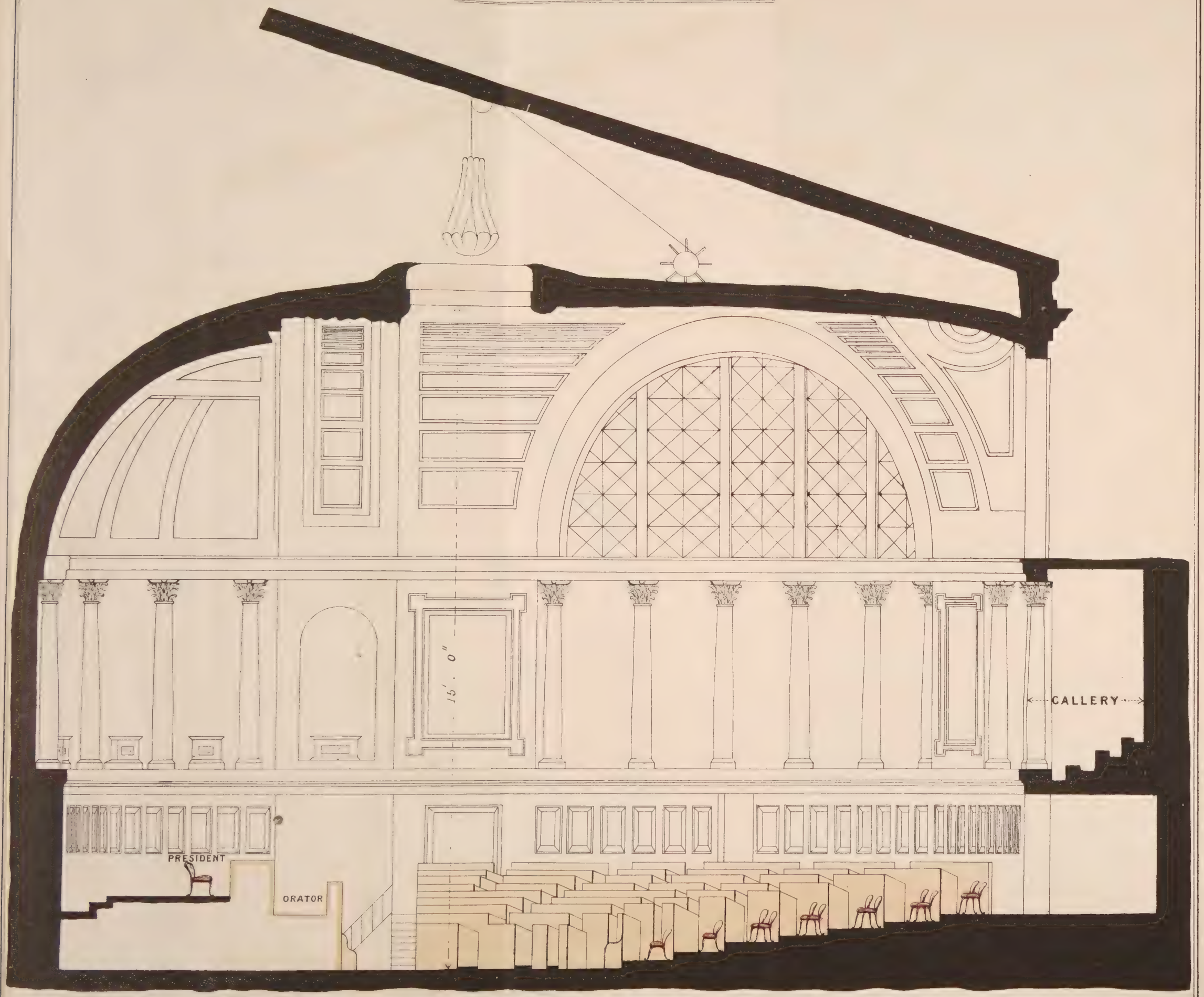
SENATE CHAMBER IN THE LUXEMBOURG PALACE.



GROUND PLAN

PARIS.

SENATE CHAMBER IN THE LUXEMBOURG PALACE.



SECTION.

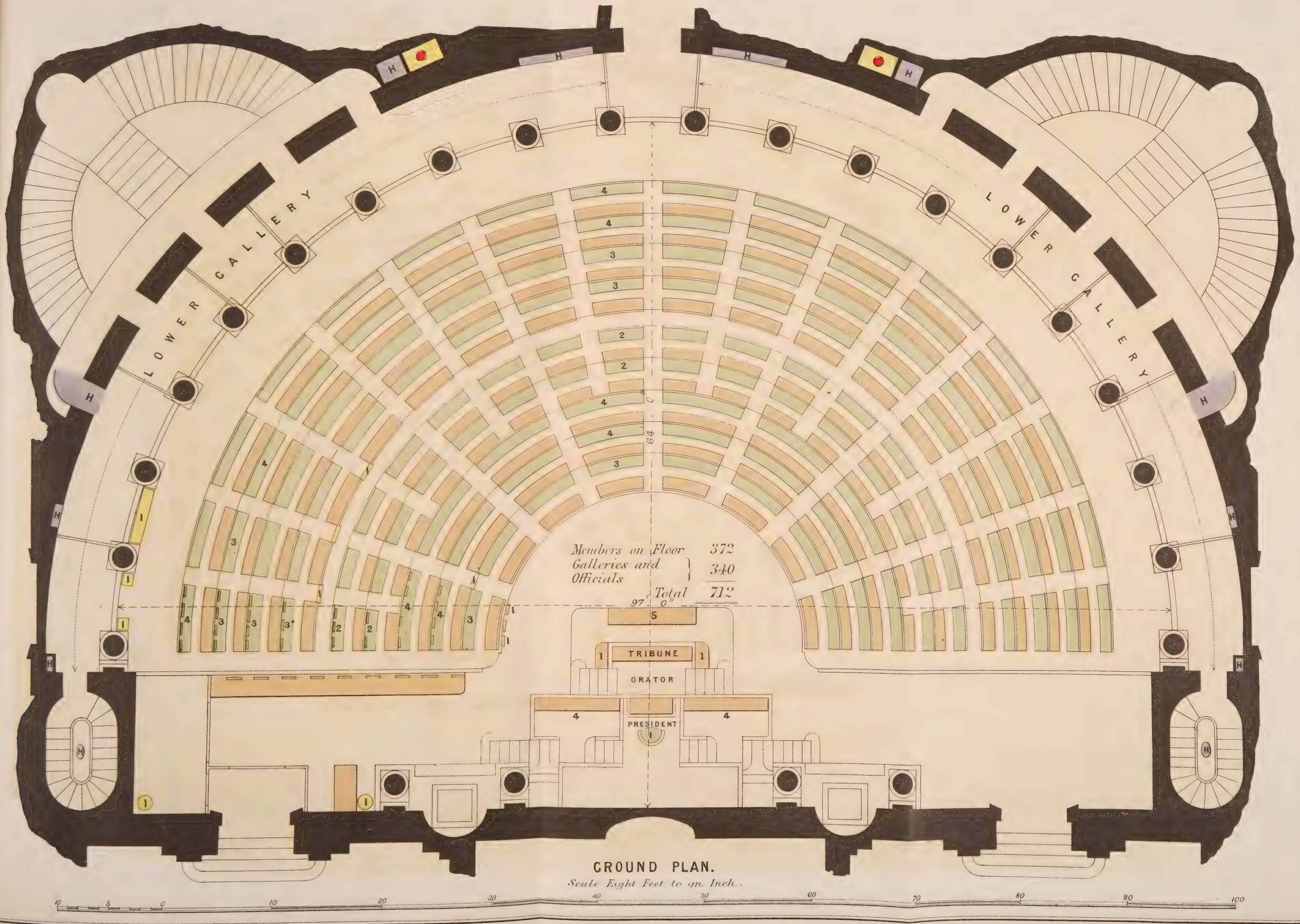
Scale of Feet.

10 5 0 10 20 30 40 50

17.

PARIS.

CHAMBER OF THE CORPS LEGISLATIF.

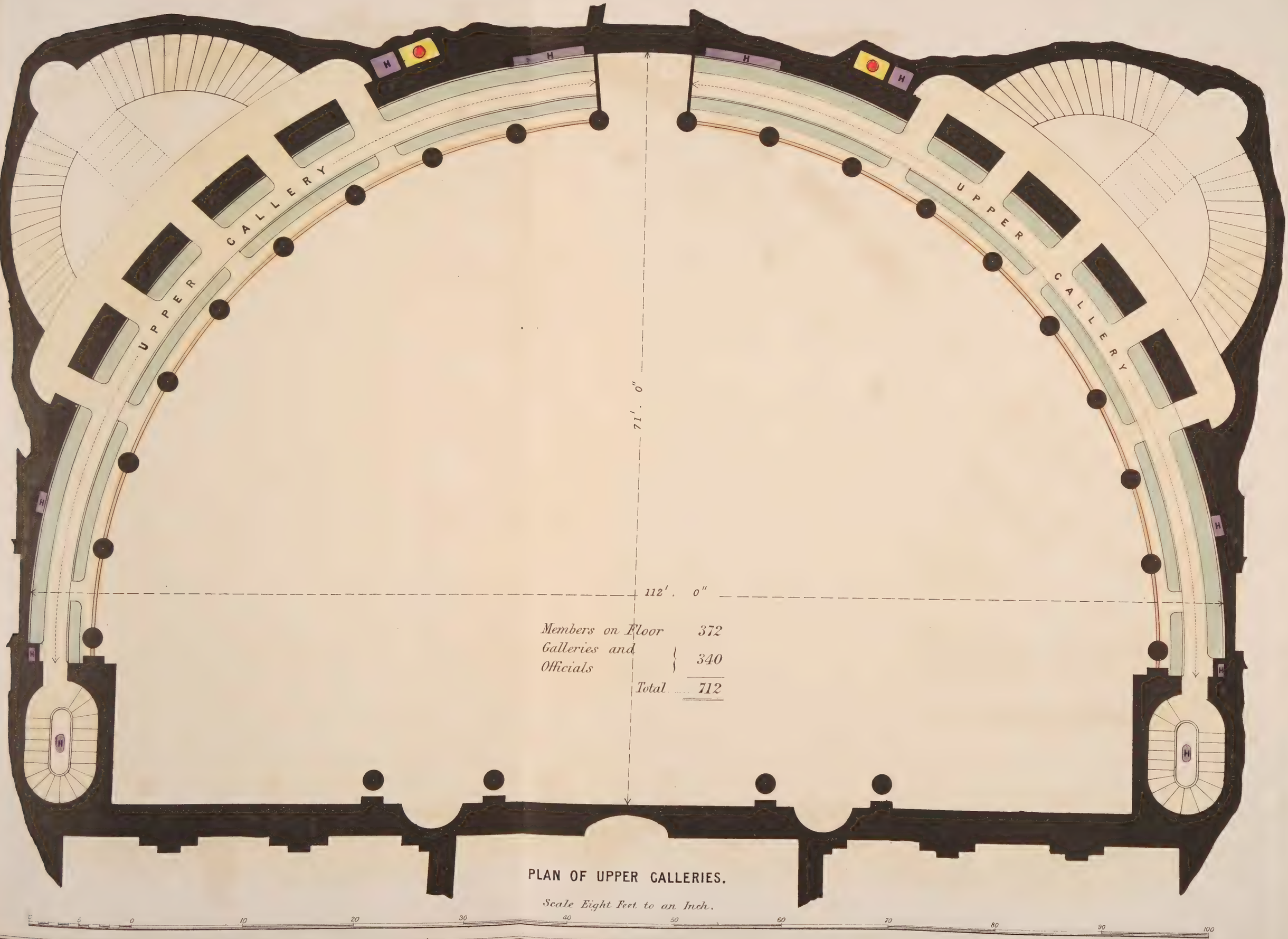


GROUND PLAN.

Scale Eight Feet to an Inch.

PARIS.

CHAMBER OF THE CORPS LEGISLATIF.



Members on Floor		*372*
Galleries and Officials		*340*
Total		*712*

PLAN OF UPPER GALLERIES.

Scale Eight Feet to an Inch.

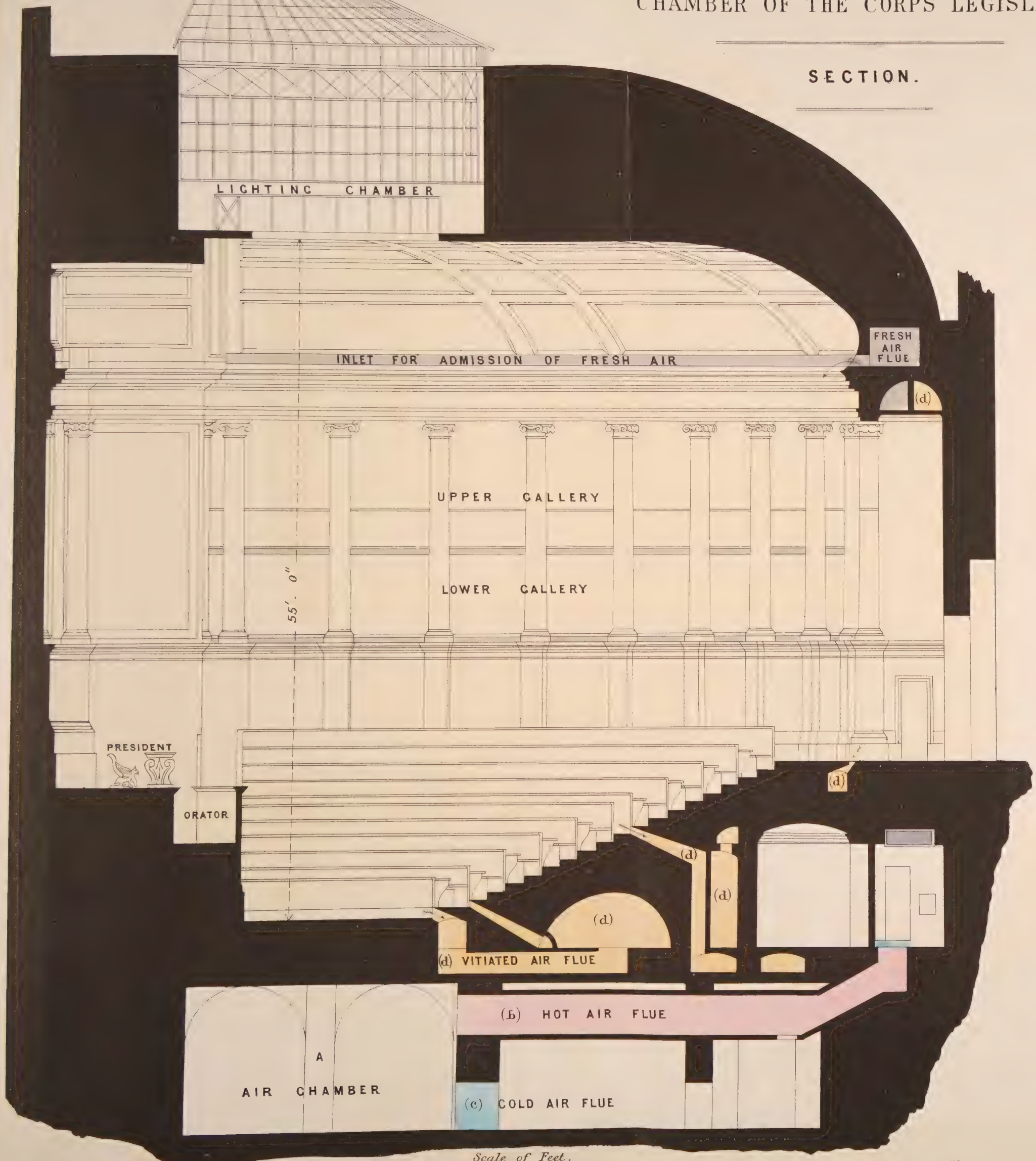
5 0 10 20 30 40 50 60 70 80 90 100

19.

PARIS.

CHAMBER OF THE CORPS LEGISLATIF.

SECTION.



Scale of Feet.

BERLIN.

HOUSE OF LORDS.

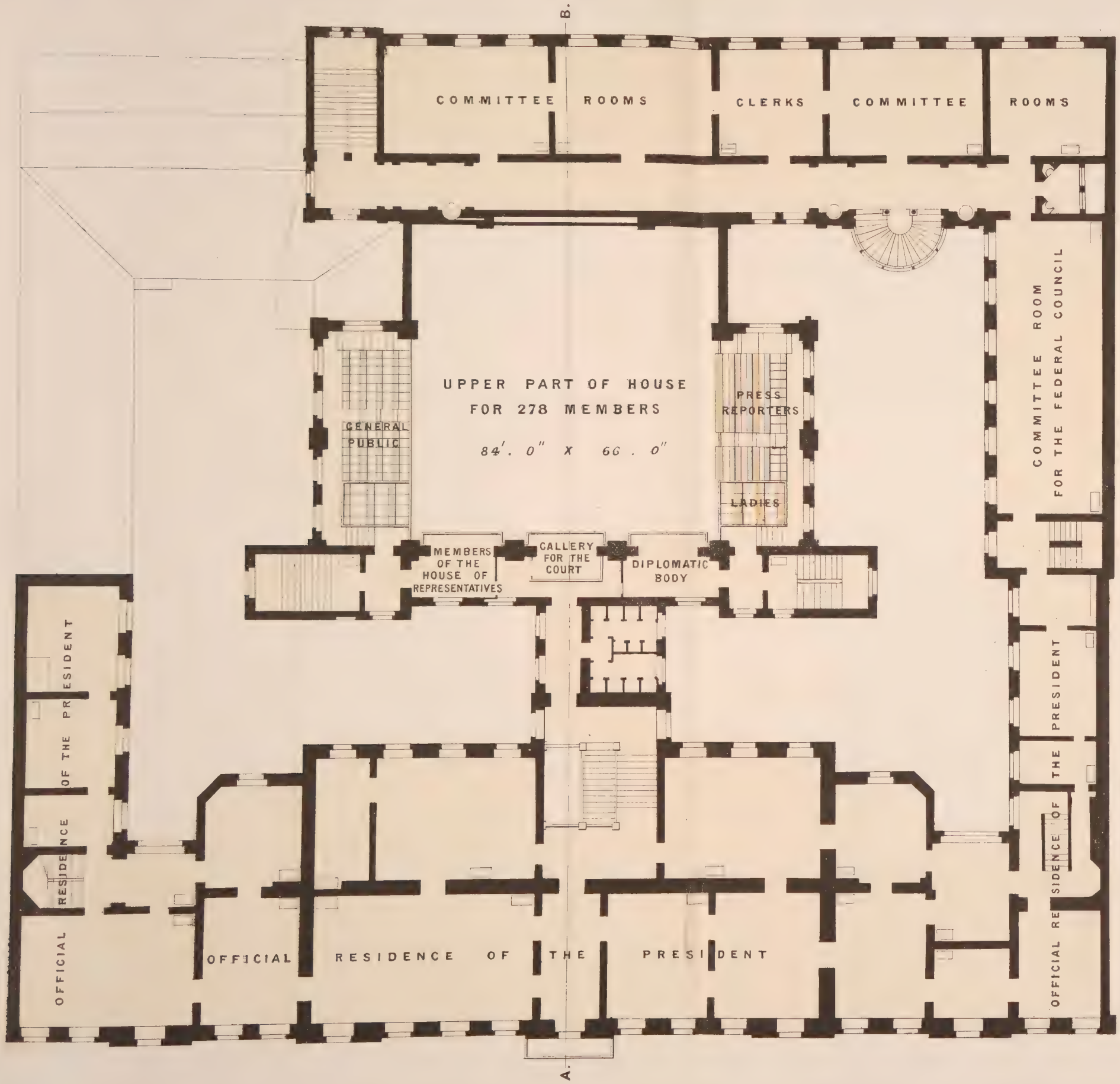
GROUND PLAN

Scale of Feet.

10 5 0 10 20 30 40 50 60 70 80 90 100

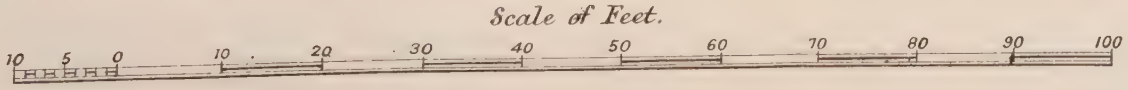
BERLIN.

HOUSE OF LORDS



PLAN OF FIRST FLOOR.

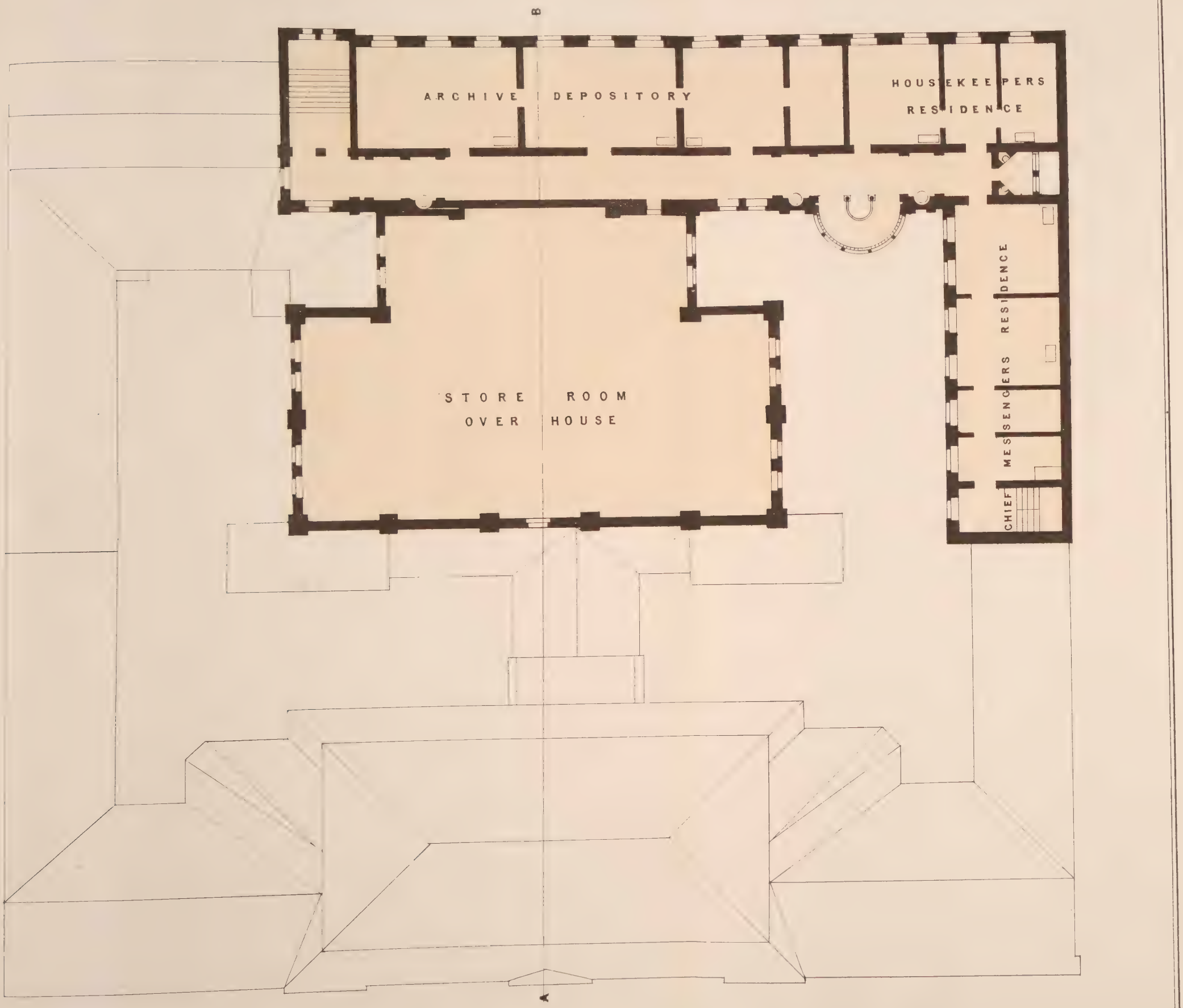
Scale of Feet.



22.

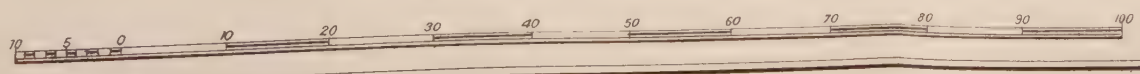
BERLIN.

HOUSE OF LORDS.



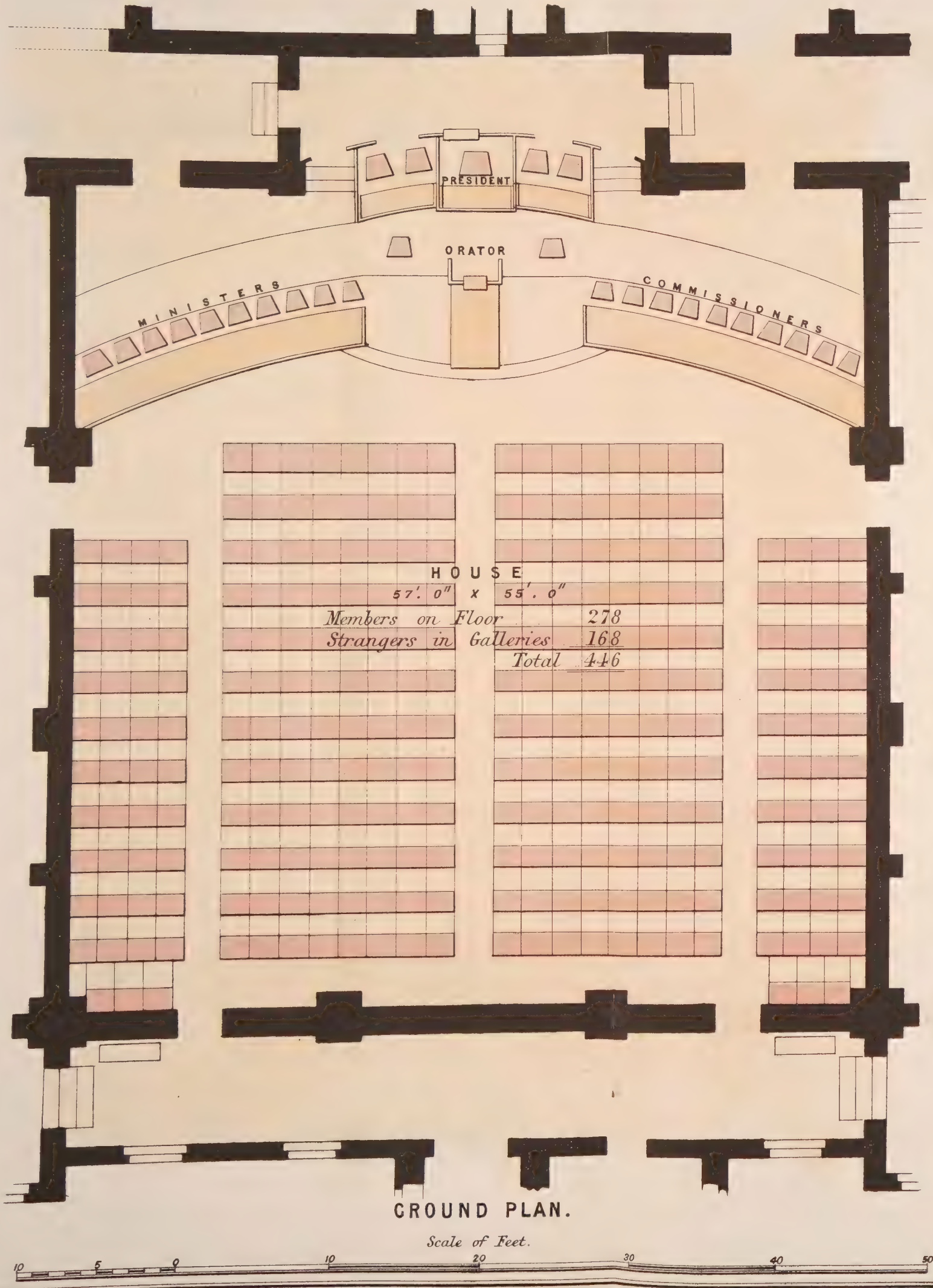
PLAN OF SECOND FLOOR.

Scale of Feet.



BERLIN.

HOUSE OF LORDS.



GROUND PLAN.

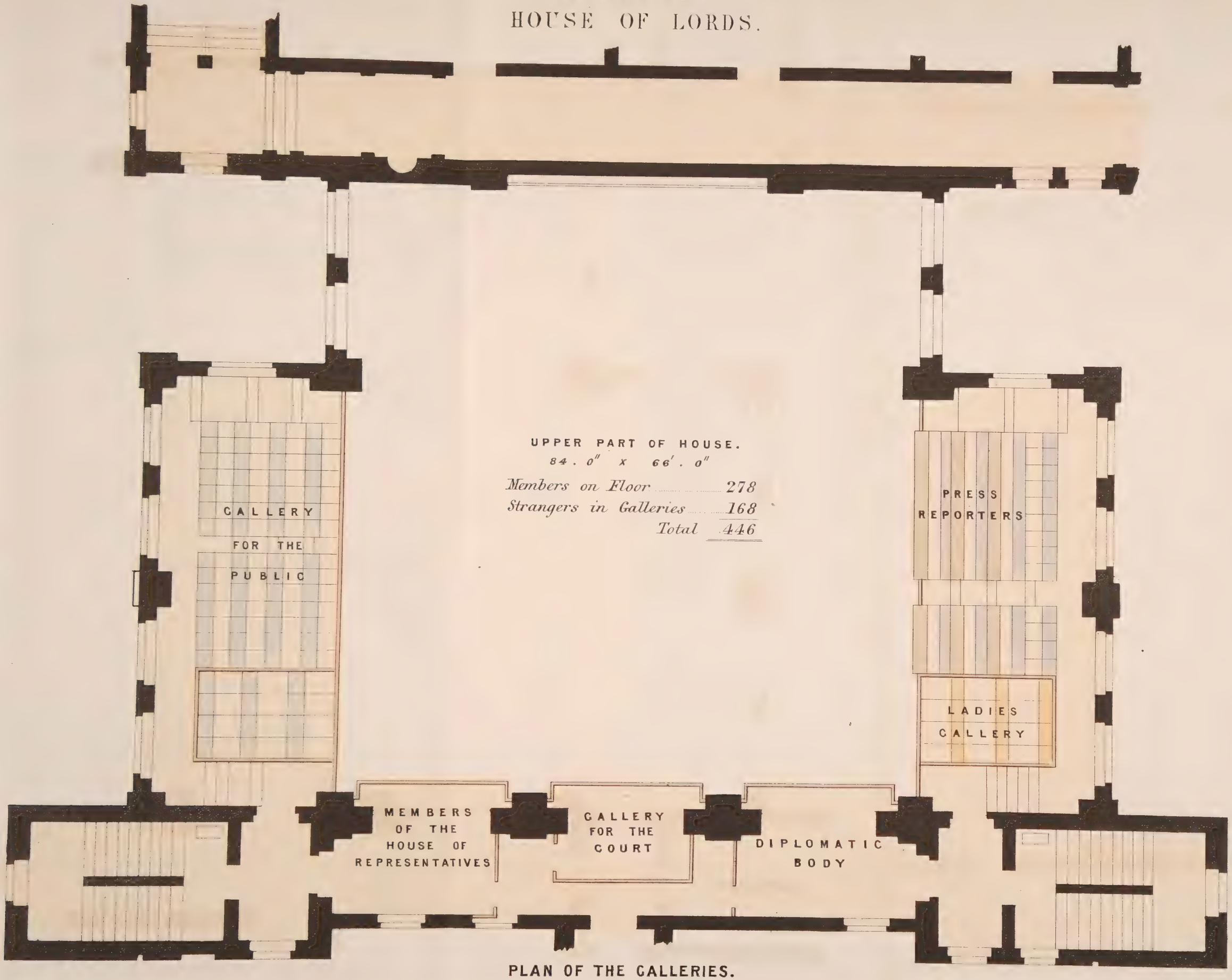
Scale of Feet.

10 5 0 10 20 30 40 50

24.

BERLIN.

HOUSE OF LORDS.



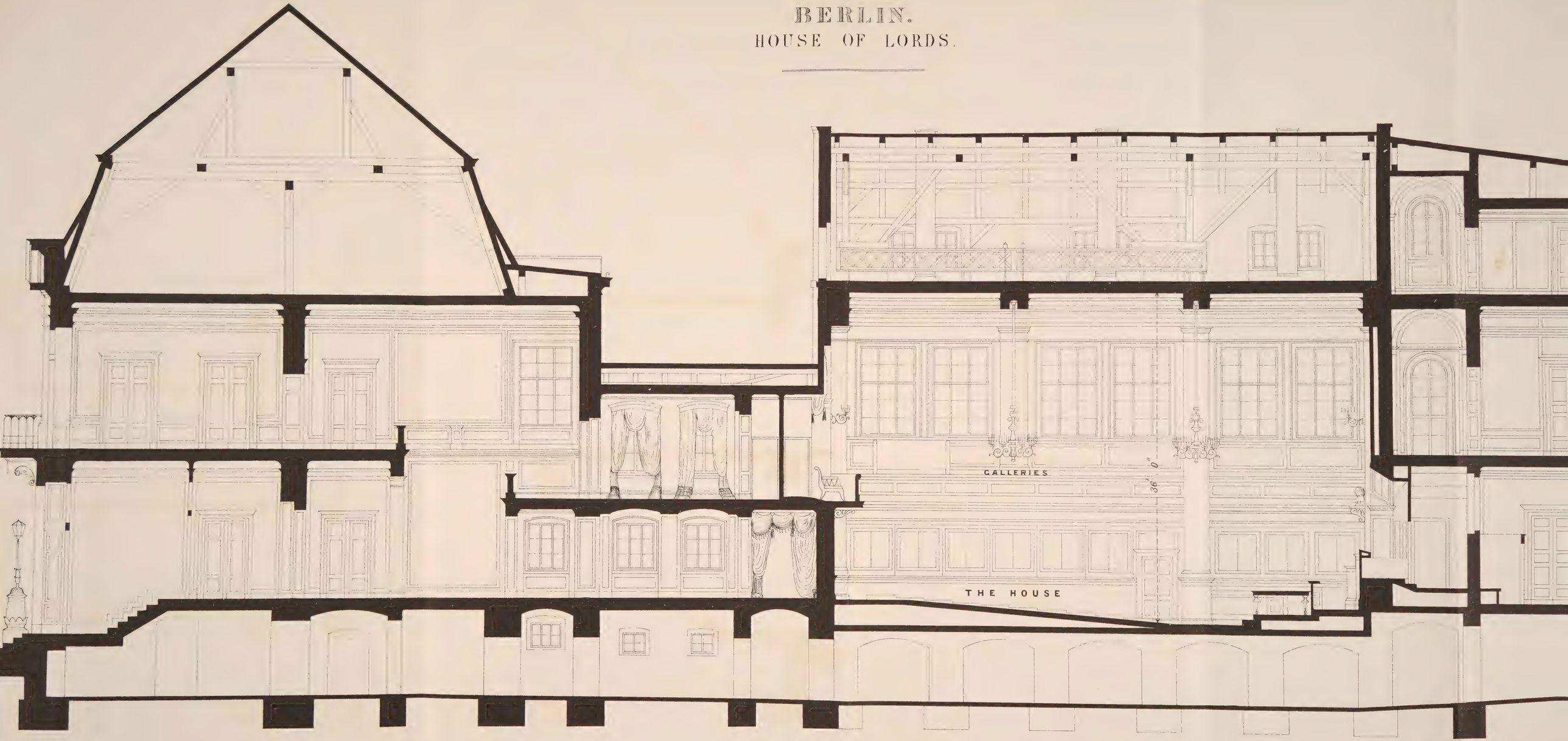
PLAN OF THE GALLERIES.

Scale of Feet

10 5 0 10 20 30 40 50

BERLIN.

HOUSE OF LORDS.



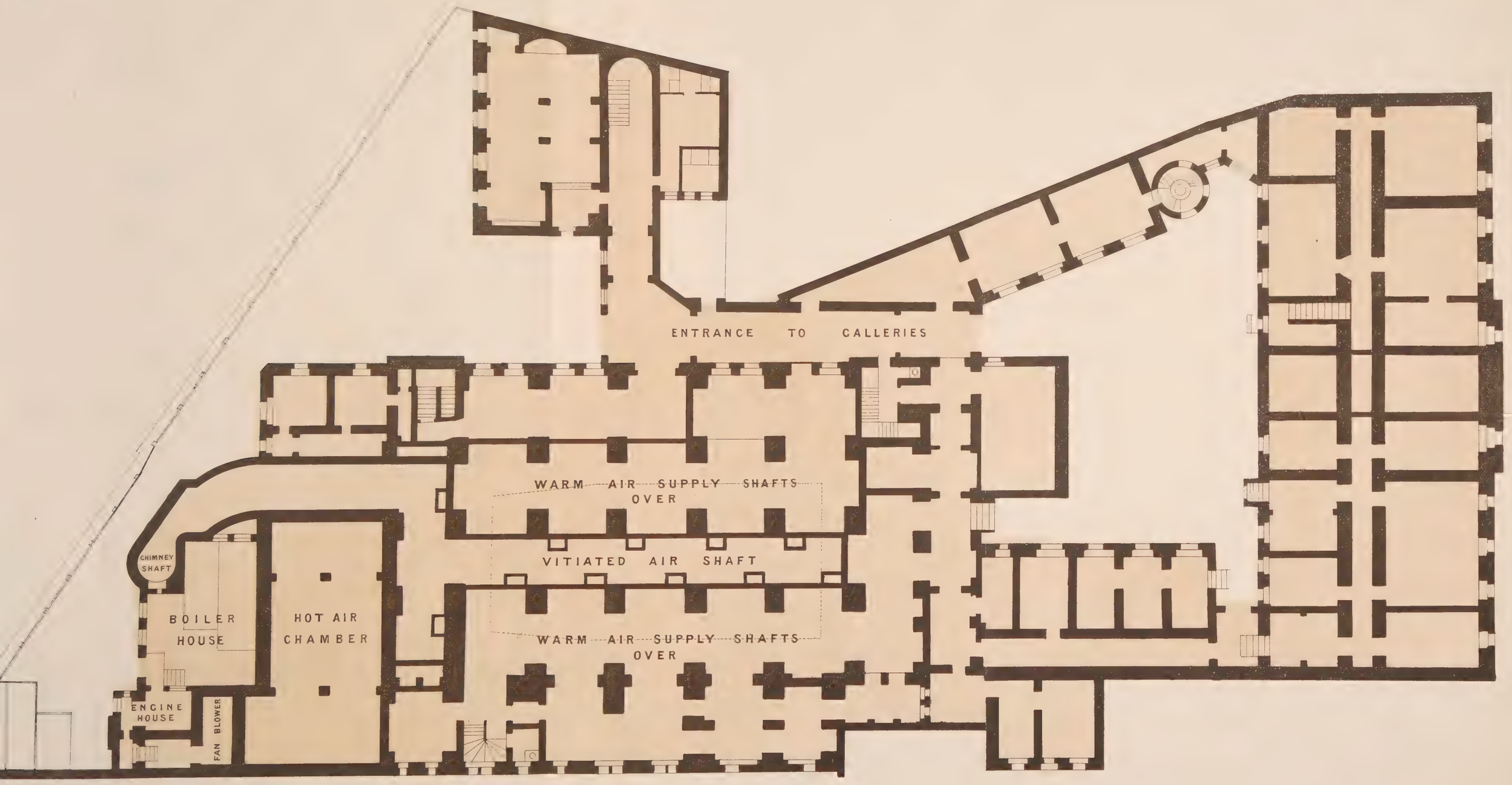
SECTION ON LINE A.B.

Scale of Feet.

10 5 0 10 20 30 40 50 60 70 80

BERLIN.

HOUSE OF REPRESENTATIVES.



PLAN OF GROUND FLOOR.

Scale of Feet.

10 5 0 10 20 30 40 50 60 70 80 90 100

BERLIN.

HOUSE OF REPRESENTATIVES.

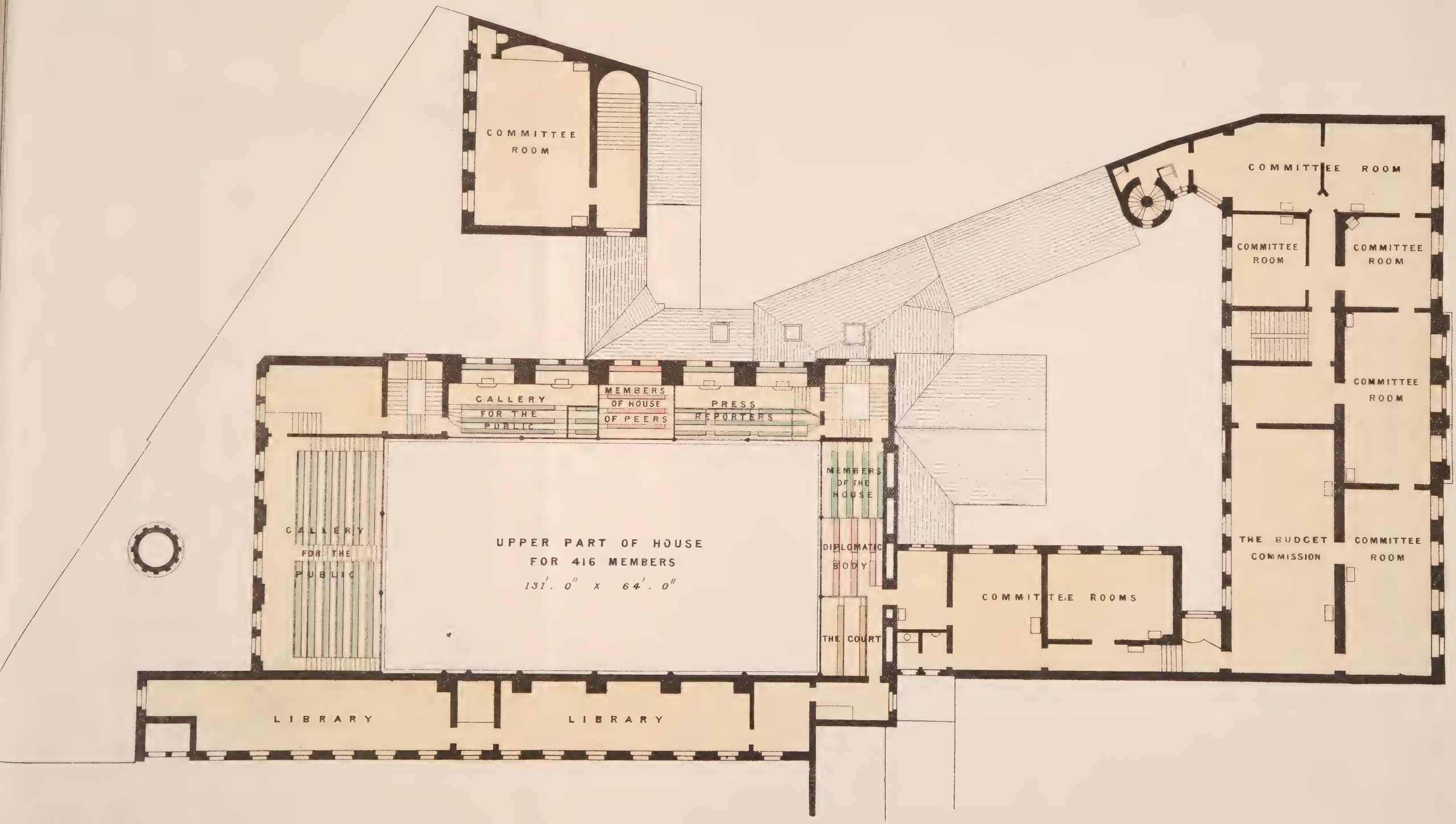
PLAN OF PRINCIPAL FLOOR.

Scale of Feet.

10 5 0 10 20 30 40 50

BERLIN.

HOUSE OF REPRESENTATIVES.

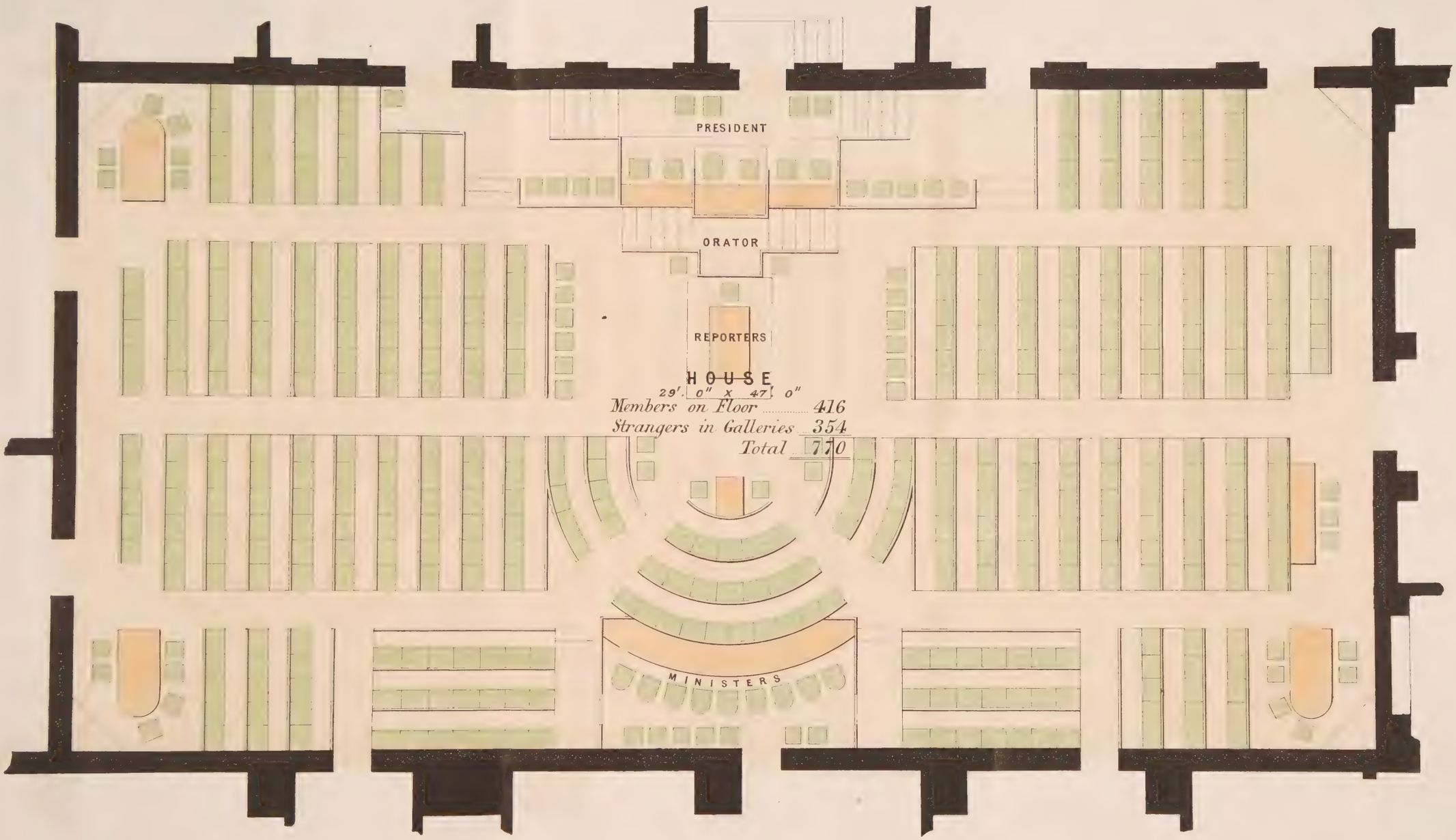


PLAN OF FIRST FLOOR.

Scale of Feet

10 5 0 10 20 30 40 50 60 70 80 90 100

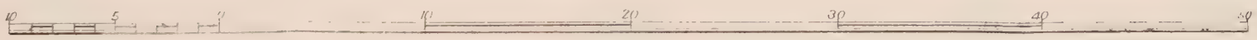
BERLIN.
HOUSE OF REPRESENTATIVES.



Members on Floor 416
Strangers in Galleries 354
Total 770

GROUND PLAN.

Scale of Feet.



BERLIN.

HOUSE OF REPRESENTATIVES.

UPPER PART OF HOUSE.

131′. 0″ x 64′. 0″

Members on Floor	*416*
Strangers in Galleries	*354*
Total	*770*

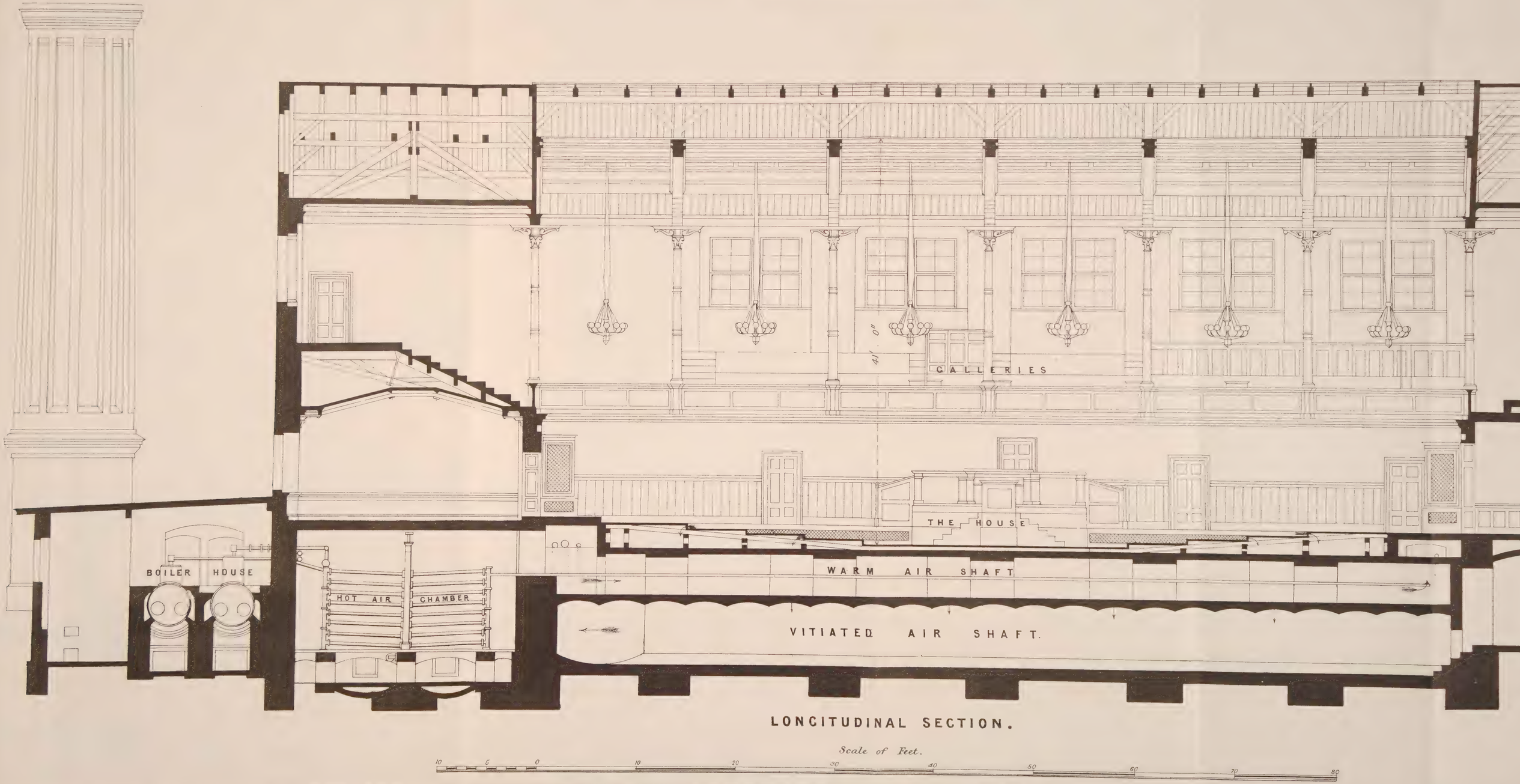
PLAN OF THE GALLERIES.

Scale of Feet.

10 5 0 10 20 30 40 50

BERLIN.

HOUSE OF REPRESENTATIVES.



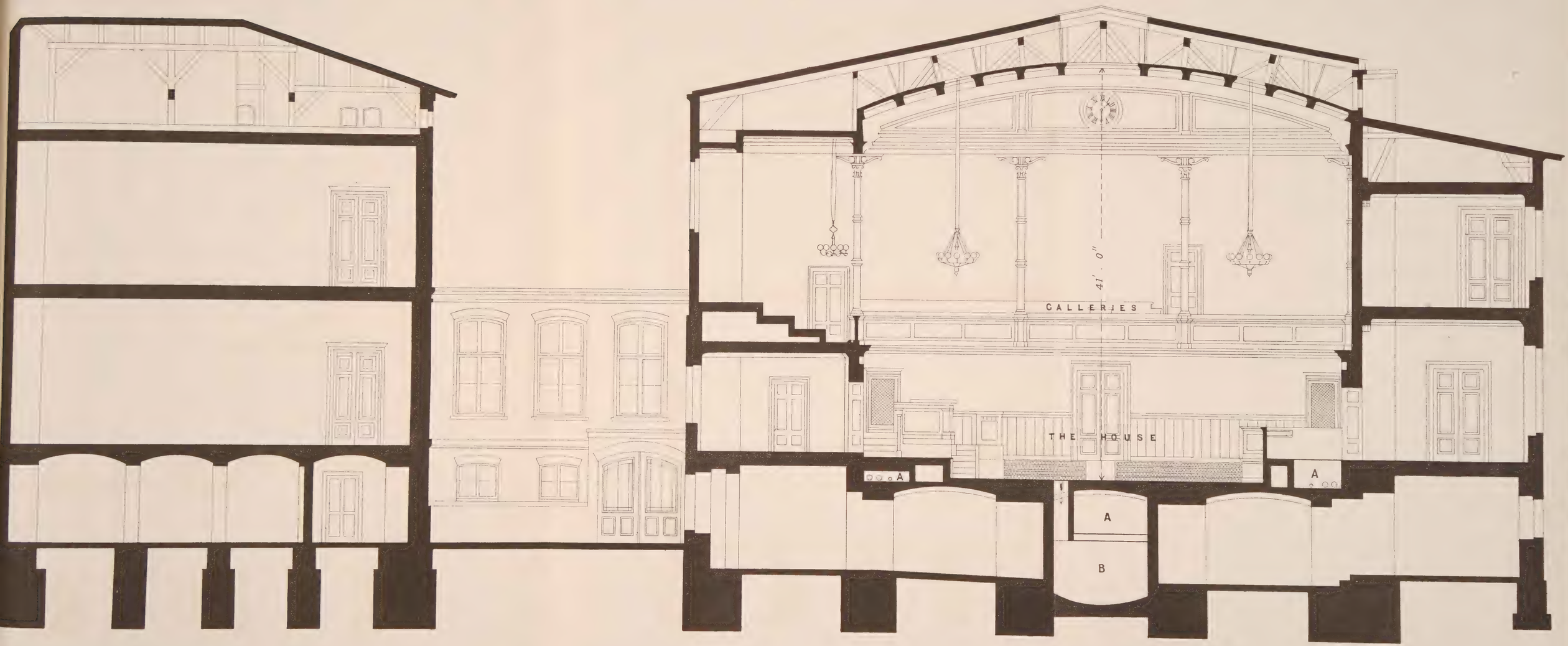
LONGITUDINAL SECTION.

Scale of Feet.

10 5 0 10 20 30 40 50 60 70 80

BERLIN.

HOUSE OF REPRESENTATIVES.



TRANSVERSE SECTION.

Scale of Feet.

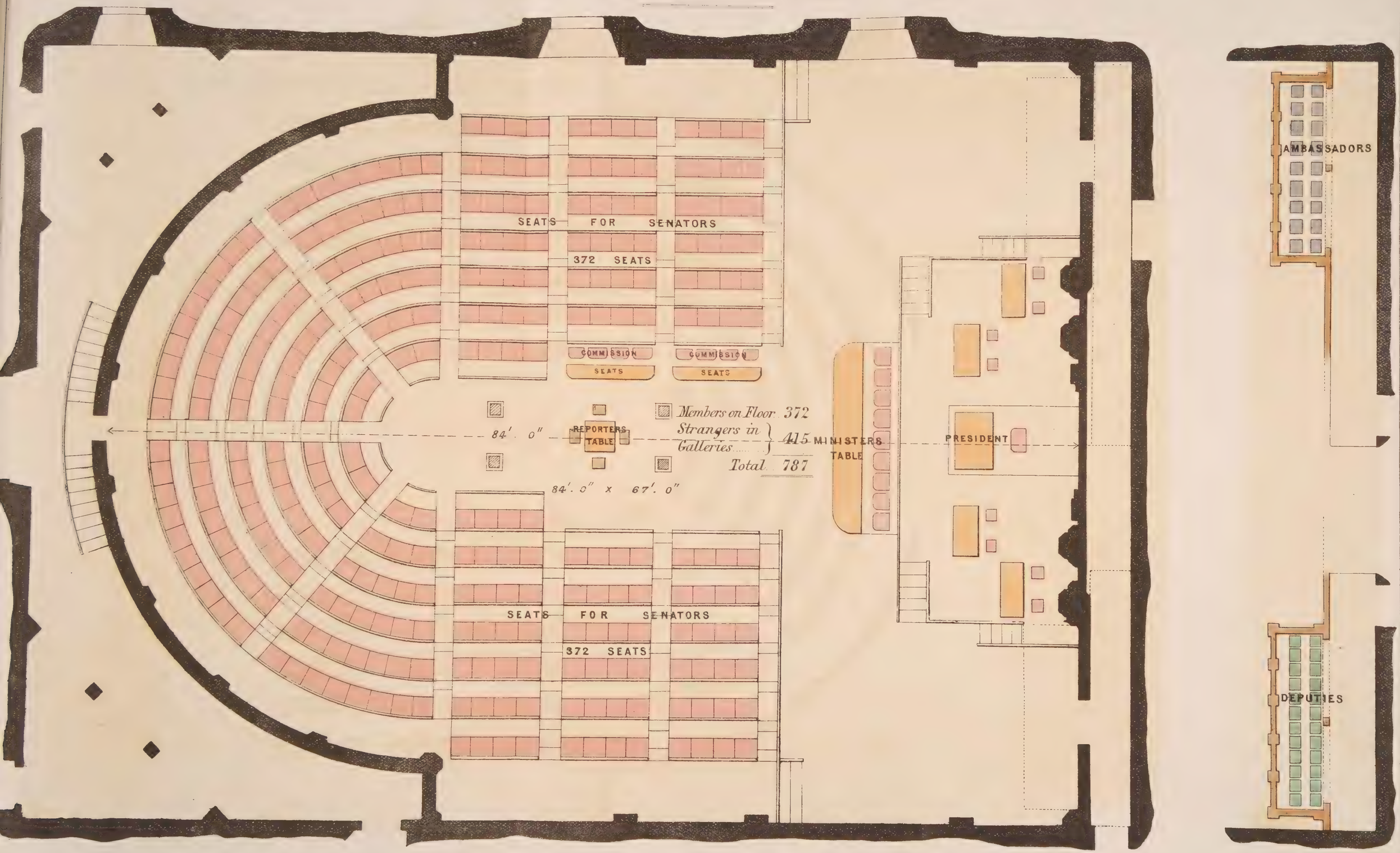
10 5 0 10 20 30 40 50 60 70 80

A.A. *Warm Air Shafts.*

B. *Vitiated Air Shaft.*

FLORENCE.

SENATE HOUSE.



PLAN OF GROUND FLOOR.

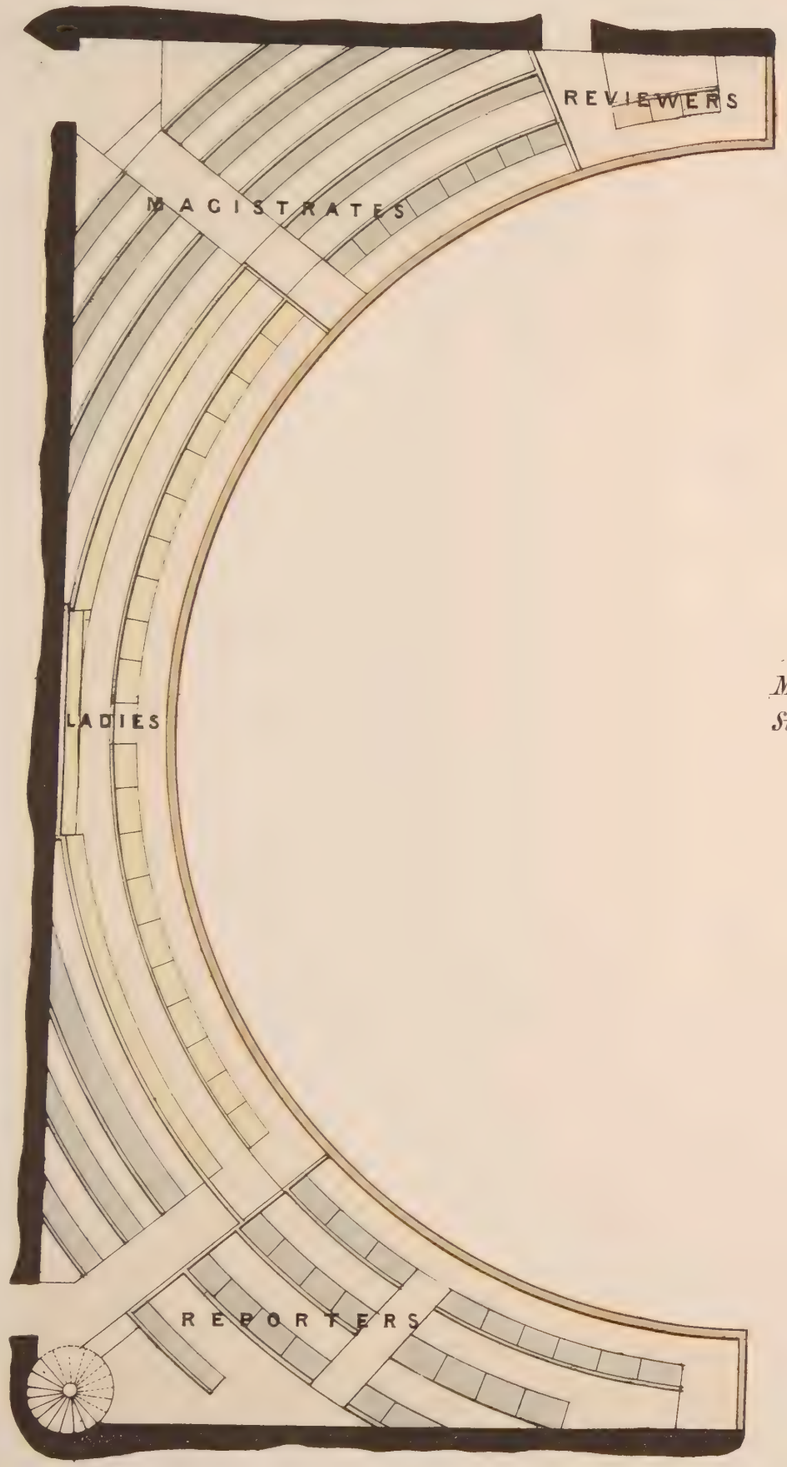
PLAN OF GALLERIES FOR AMBASSADORS AND DEPUTIES.

Scale of Feet

10 5 0 10 20 30 40 50 60 70 80 90 100

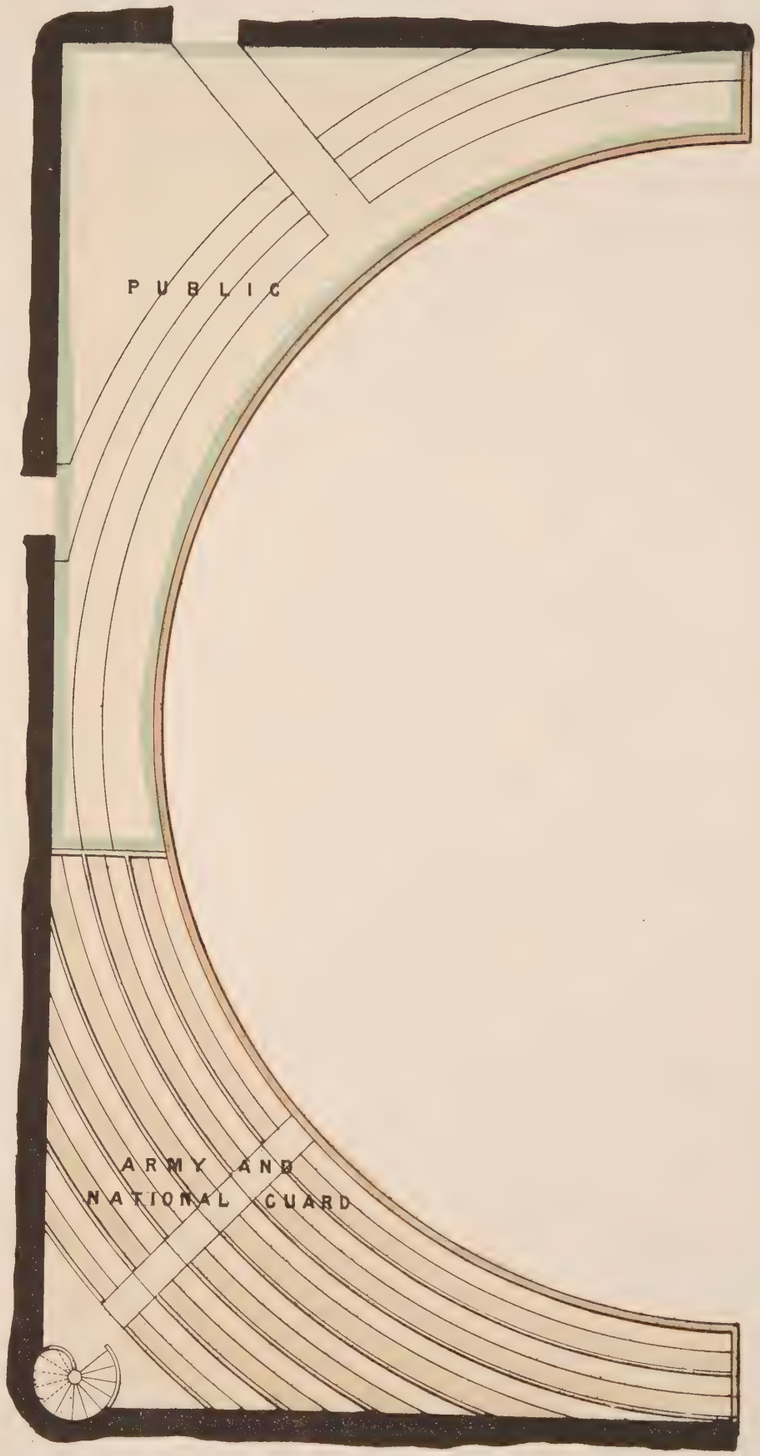
FLORENCE.

SENATE HOUSE.



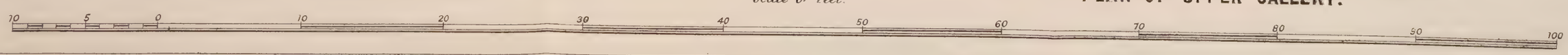
PLAN OF LOWER GALLERY.

Members on Floor 372
Strangers in Galleries 415
Total 787



PLAN OF UPPER GALLERY.

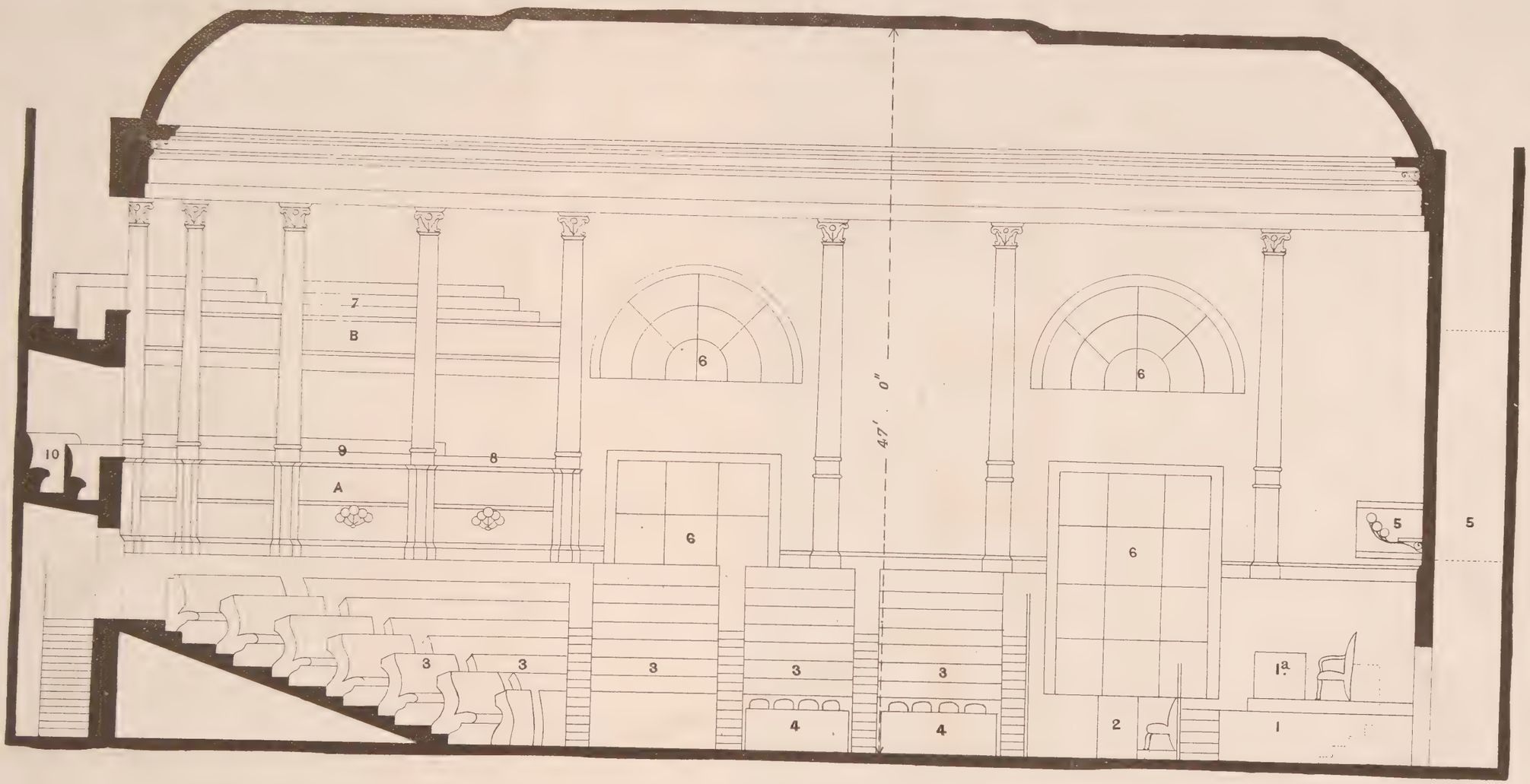
Scale of Feet.



35.

FLORENCE.

SENATE HOUSE.



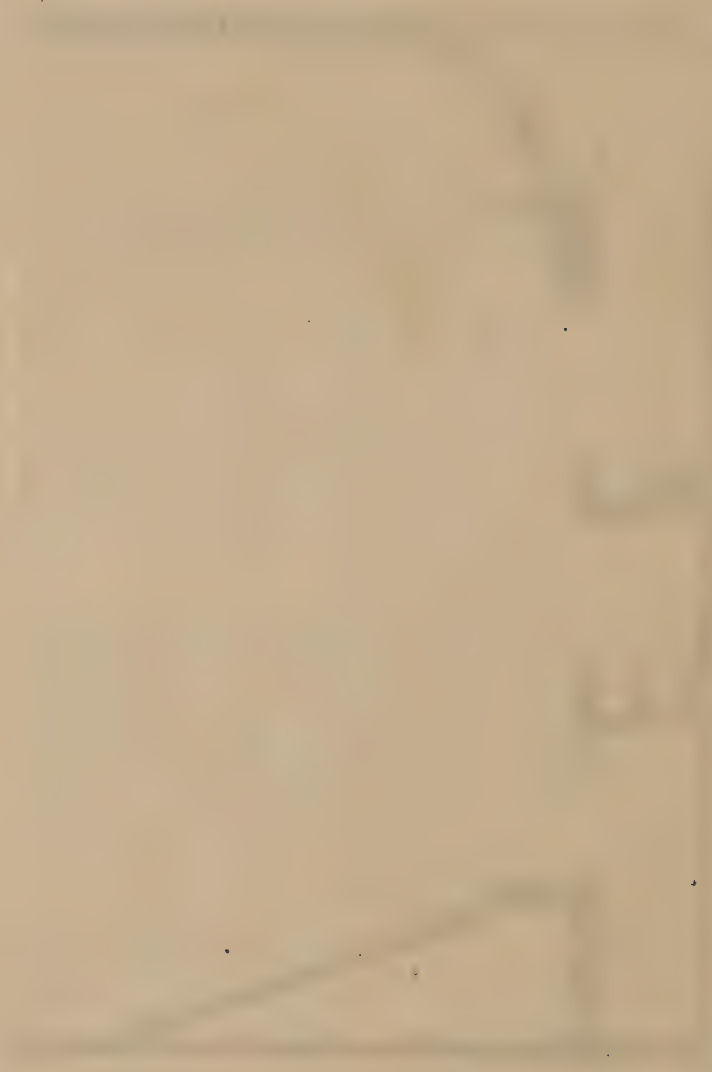
LONGITUDINAL SECTION.

Scale of Feet.

10 5 0 10 20 30 40 50

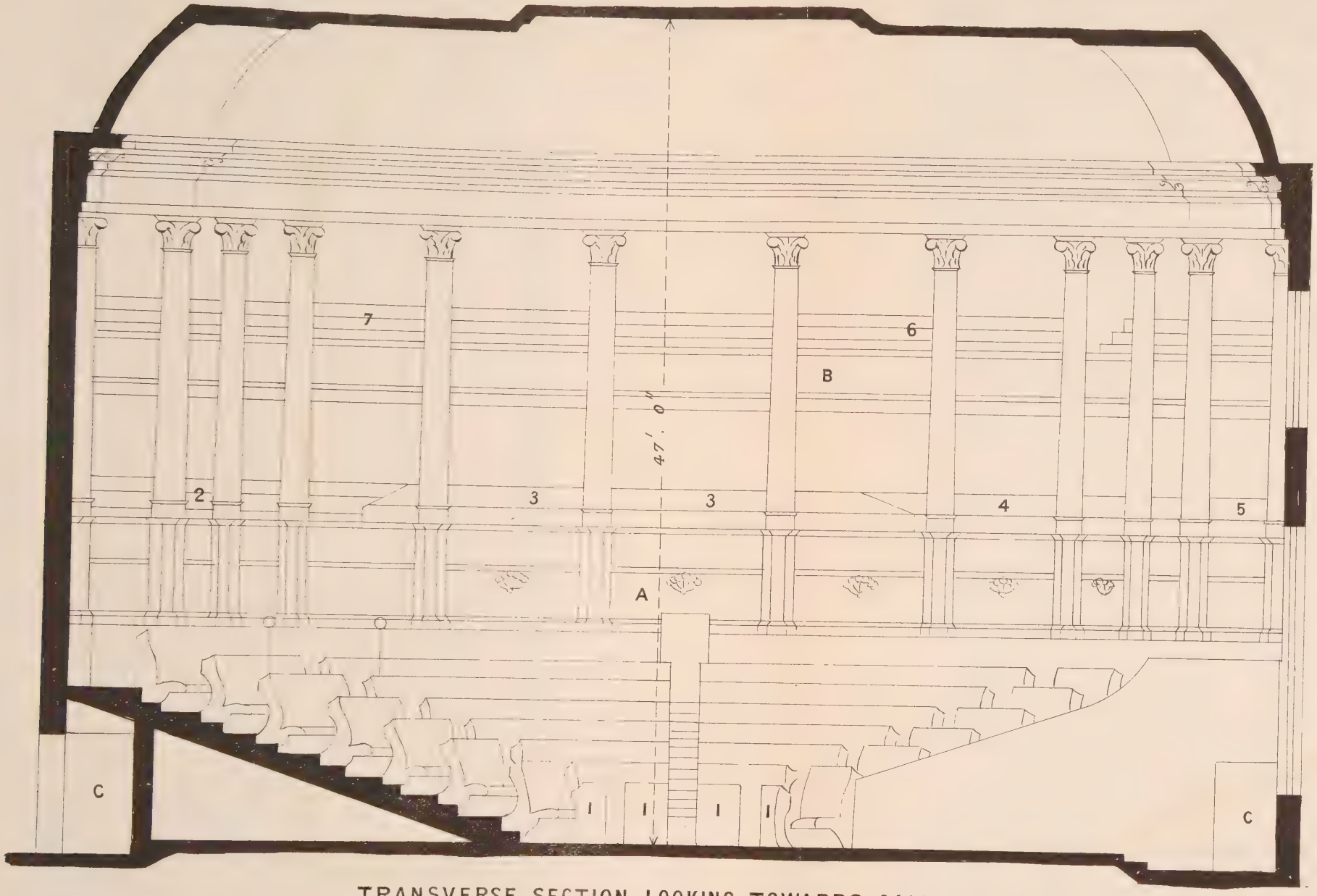
1. *Presidents Tribune.* 1a. *Presidents Table.*
2. *Ministers Table.*
3. *Senators Benches.*
4. *Tables for the Commission.*
5. *Gallery for the Ambassadors.*

6. *Windows.*
A. 8. *Seats for the Reviewers.*
A. 9. *Seats for Magistrates and Gentlemen.*
A. 10. *Seats for Ladies.*
B. 7. *Gallery for the Public.*



FLORENCE.

SENATE HOUSE



TRANSVERSE SECTION LOOKING TOWARDS GALLERIES.

Scale of Feet.

10 5 0 10 20 30 40 50

I. *Seats of the Senators.*

A. 2. *Seats of the Press Reporters.*

A. 3. *Seats of the Ladies.*

A. 4. *Seats of the Magistrates and Gentlemen.*

A. 5. *Seats of the Reviewers.*

B. 6. *Gallery for the Public.*

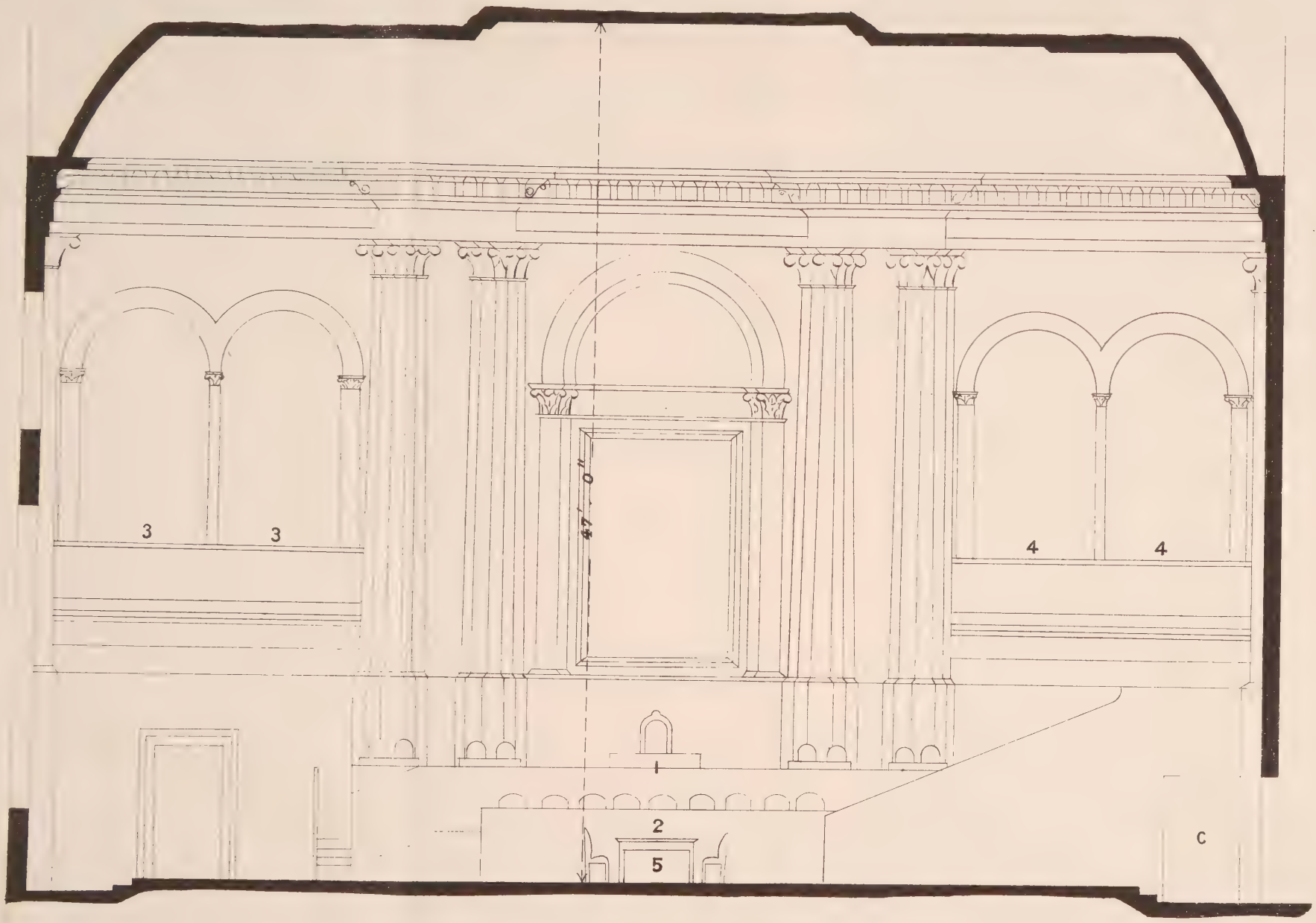
B. 7. *Gallery for the Army and National Guard.*

C. *Entrance Doors for Senators.*

37.

FLORENCE.

SENATE HOUSE.



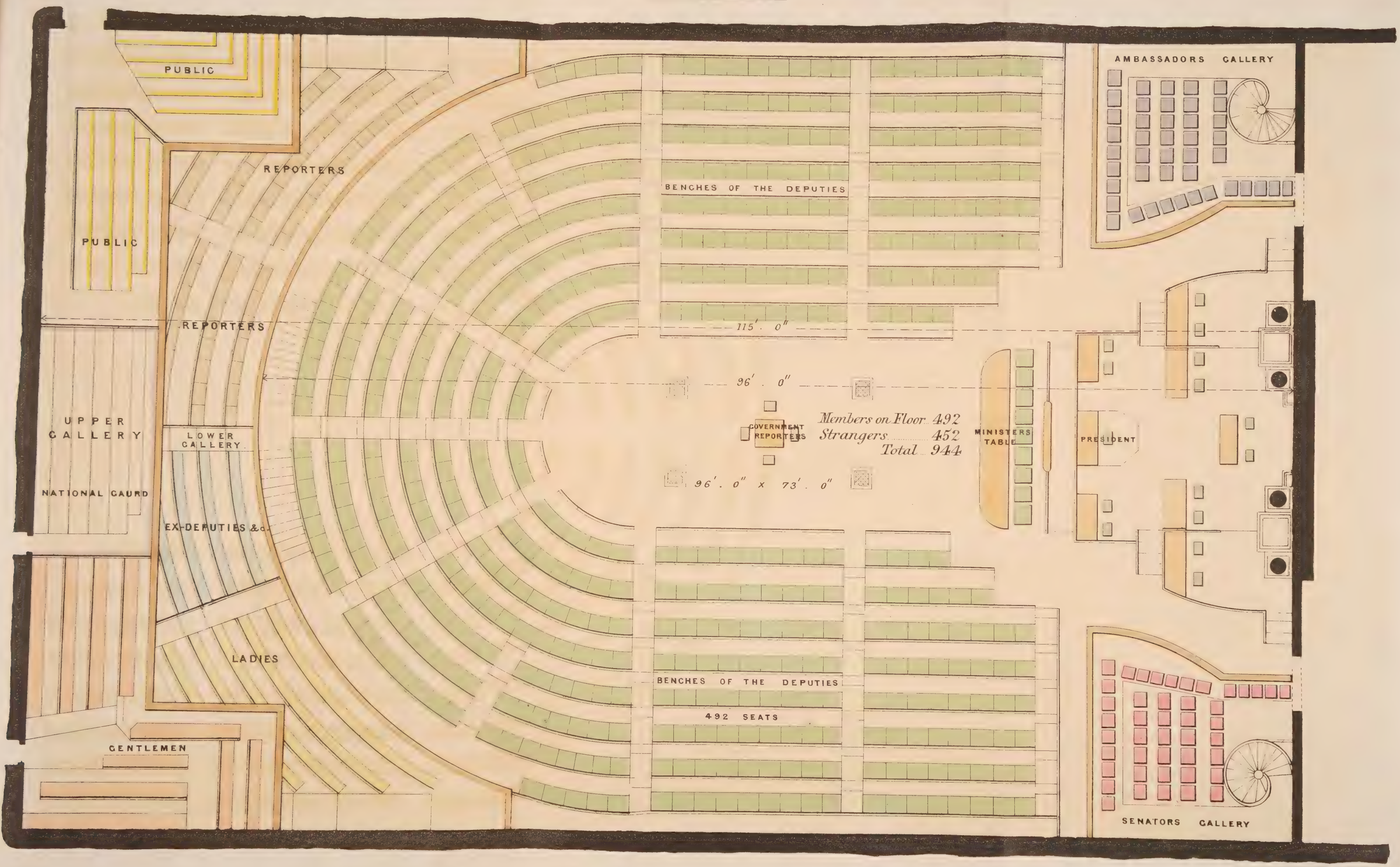
TRANSVERSE SECTION LOOKING TOWARDS TRIBUNE.

Scale of Feet.

10 5 0 10 20 30 40 50

1 . *Presidents Tribune.*
2 . *Table for the Ministers.*
3 . *Gallery for the Ambassadors.*
4 . *Gallery for the Deputies.*
5 . *Table for the Reporters of the House.*
C . *Entrance Door for Senators.*

FLORENCE.
CHAMBER OF DEPUTIES.



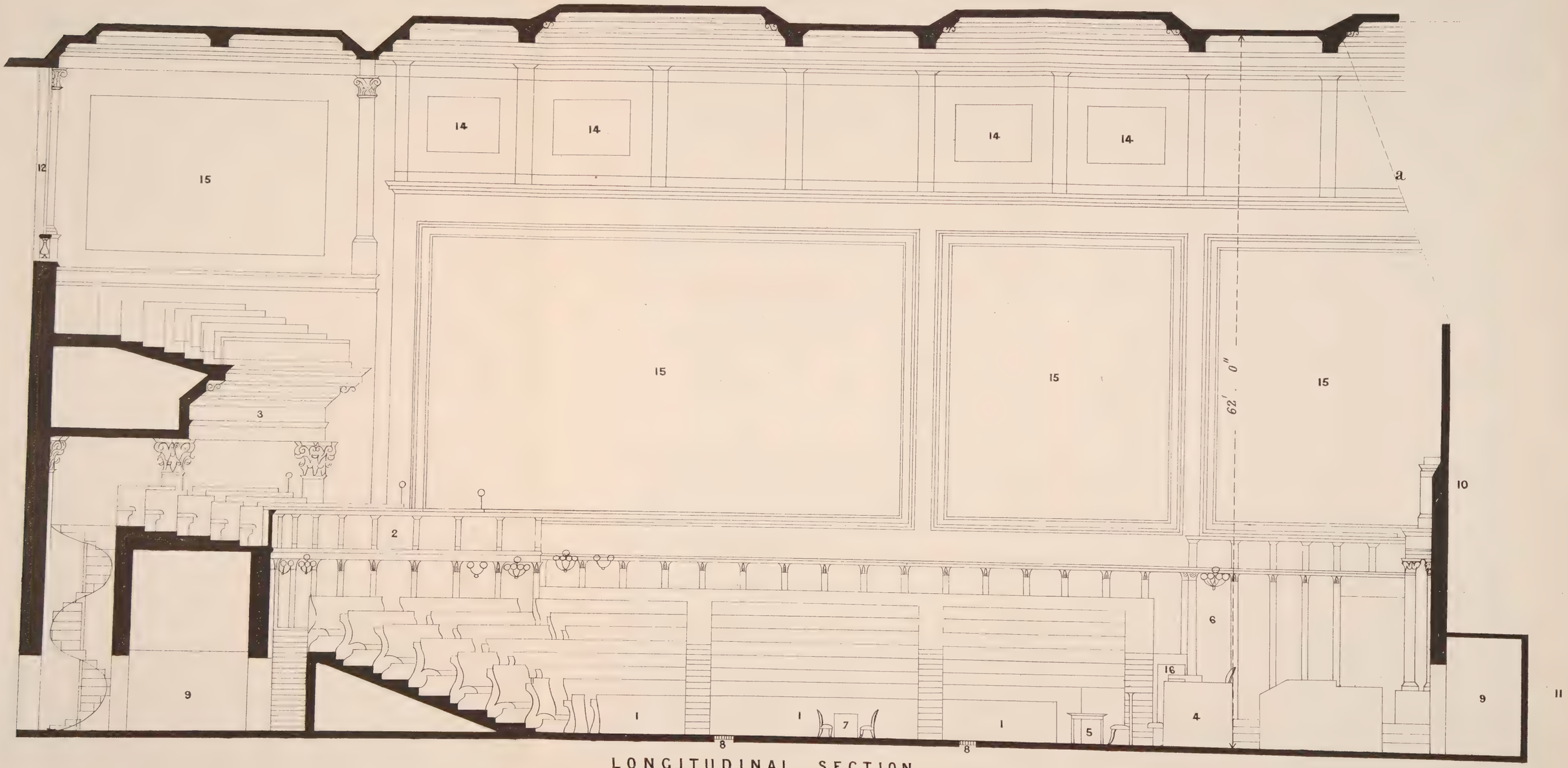
GENERAL PLAN

Scale of Feet.

10 5 0 10 20 30 40 50 60 70 80 90 100

FLORENCE.

CHAMBER OF DEPUTIES.



LONGITUDINAL SECTION.

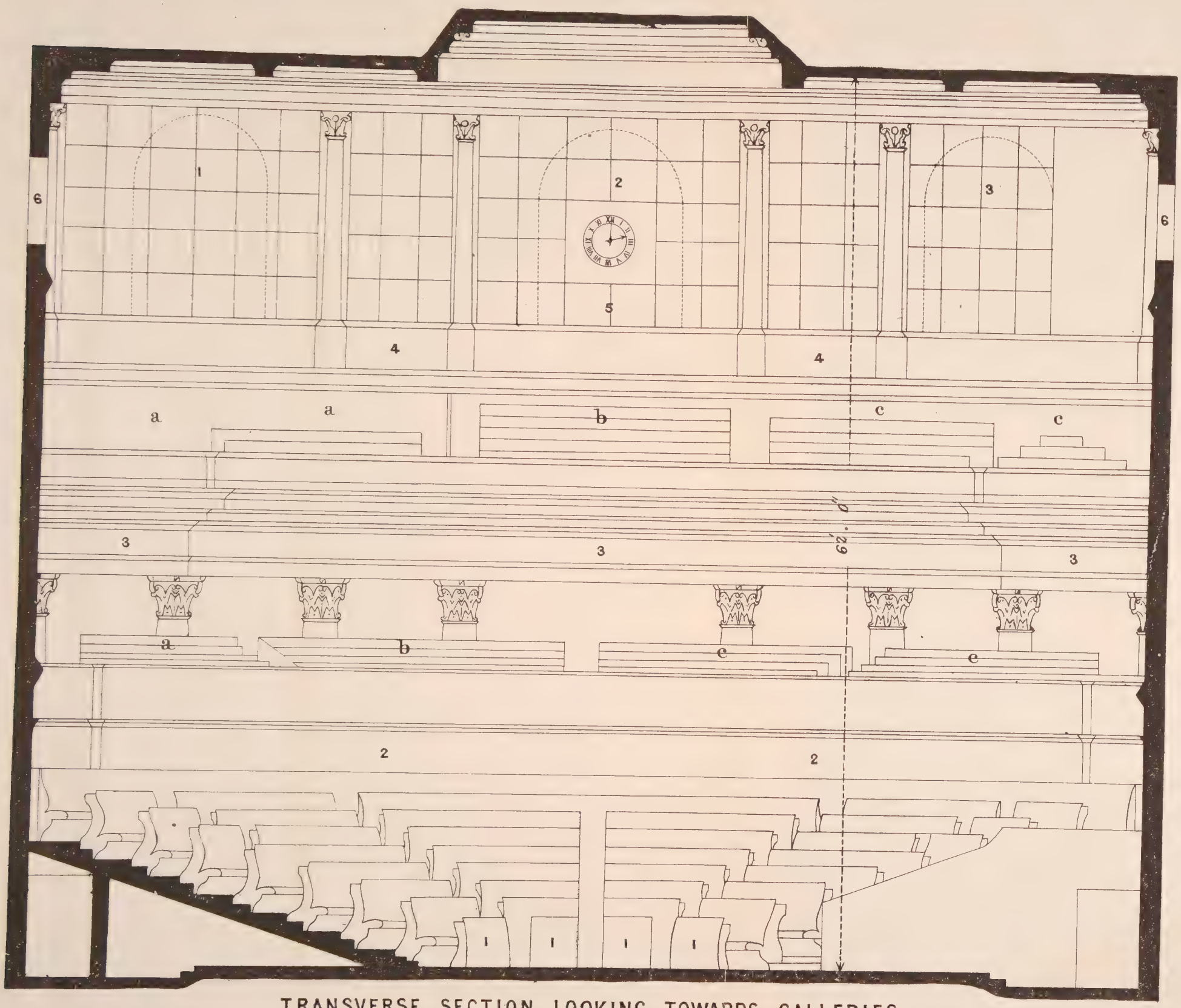
Scale of Feet.

10 5 0 10 20 30 40 50

1. *Benches of Deputies.*
2. *Lower Gallery for Reporters.*
3. *Upper Gallery for the Public.*
4. *Presidents Tribune.*
5. *Ministers Table.*
6. *Ambassadors Gallery.*
7. *Table of the Government Reporters.*
8. *Openings for the Warm Air for Warming the House.*
9. *Passage for Members.*
10. *Wooden Screen.* a. *Canvass Screen.*
11. *Members Cloak Room.*
12. *Glass Screen.*
13. *Windows in Outer Wall.*
14. *Side Windows.*
15. *Frescoes and Paintings.*
16. *Exit Door leading to Passages 9.*

FLORENCE.

CHAMBER OF DEPUTIES.



TRANSVERSE SECTION LOOKING TOWARDS CALLERIES.

Scale of Feet.

10 5 0 10 20 30 40 50

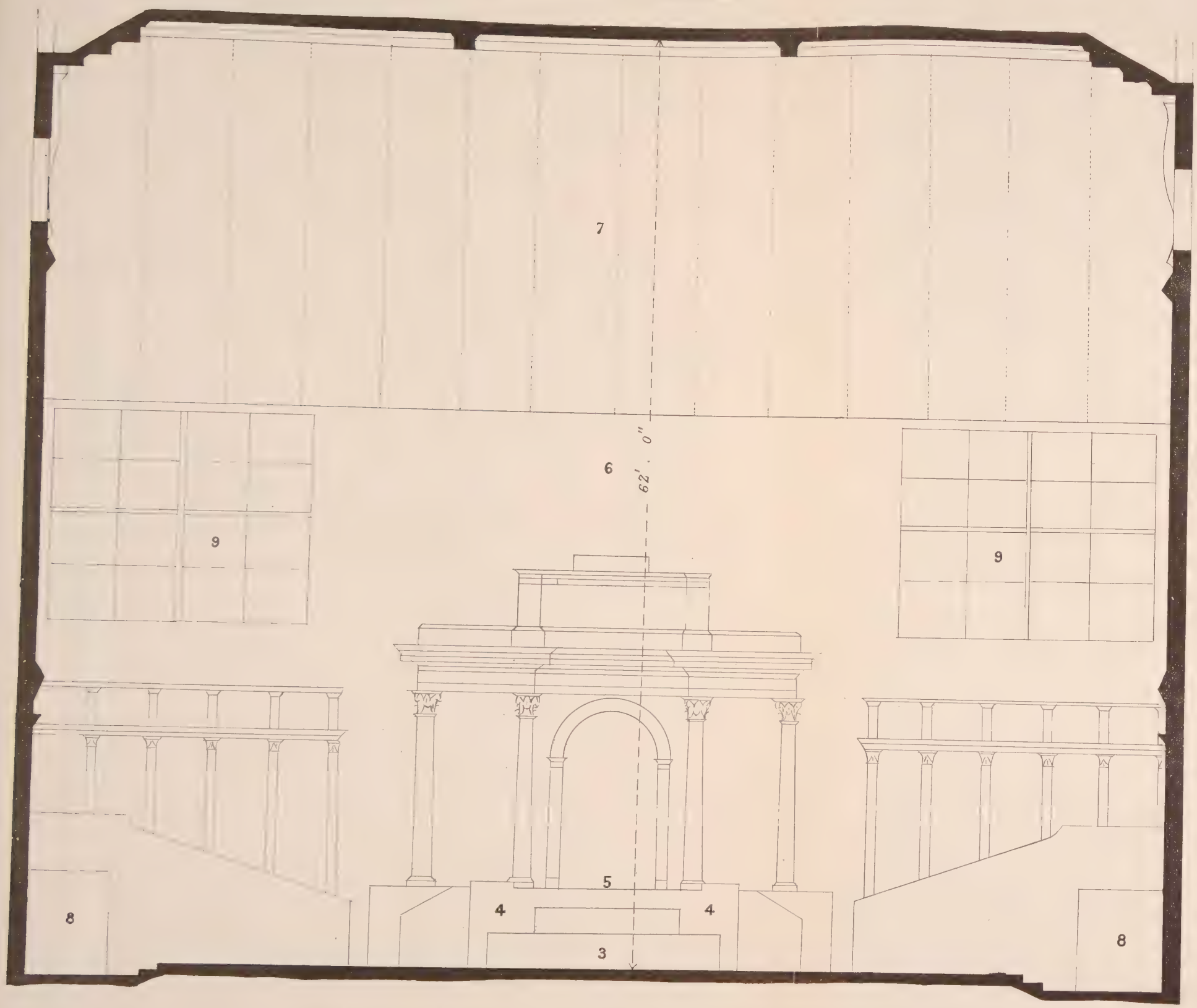
aches of the Deputies.
ver Gallery Appropriated as follows.
adies. b. *Ex-Deputies Magistrates &c.*
Reporters and Correspondents of the Press.
per Gallery. a. *Gentlemen* b. *National Gaurd &c.* c. *Public.*

4. *Corridor outside the Screen* 5.
5. *Glass Screen Through which the Light comes from the Window in outer wall.* 1. 2. 3.
6. *Side Window.*

41.

FLORENCE.

CHAMBER OF DEPUTIES.



TRANSVERSE SECTION LOOKING TOWARDS TRIBUNE.

Scale of Feet.

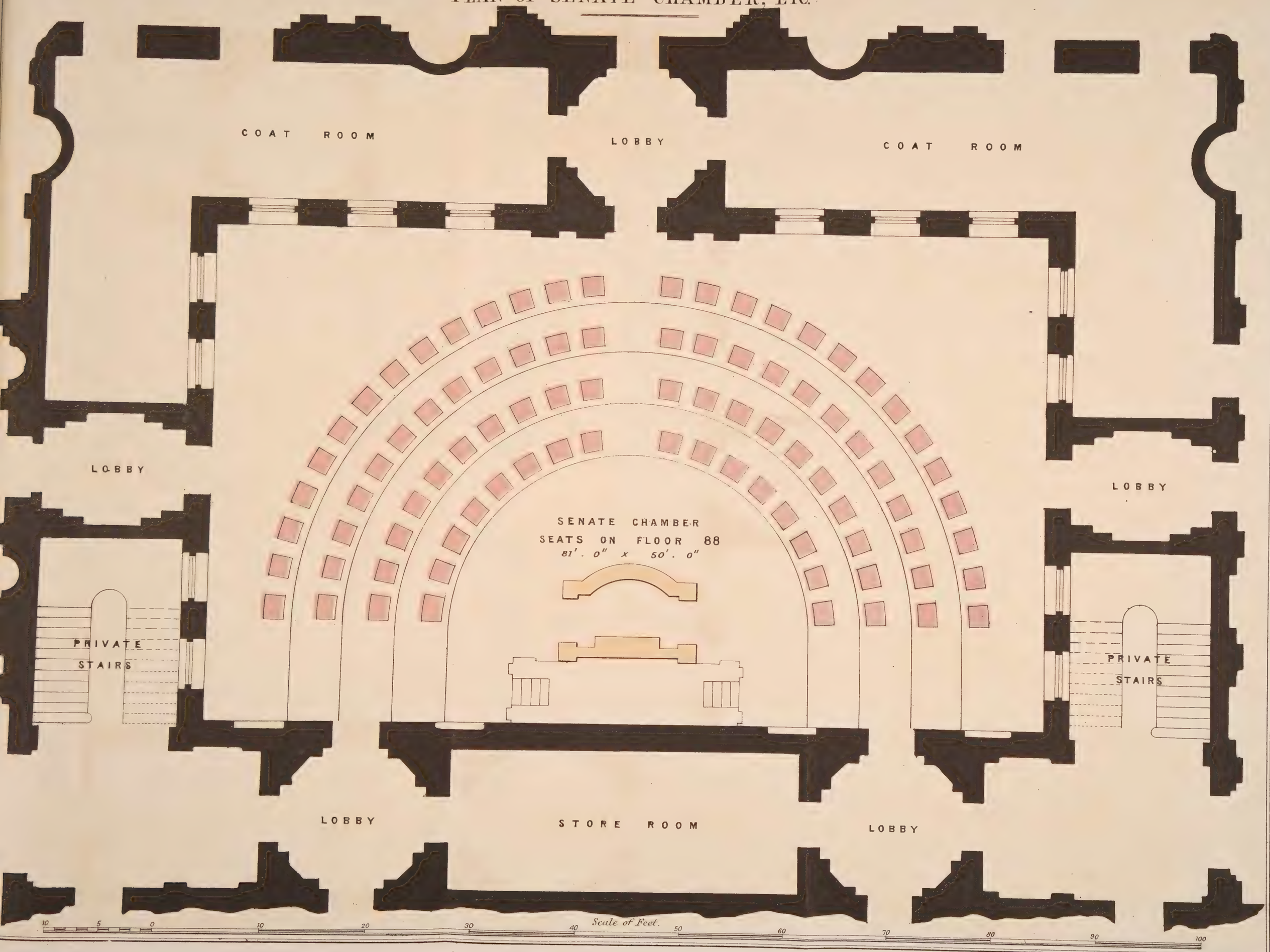
10 5 0 10 20 30 40 50

allery for the Ambassadors.
allery for the Senators.
ench for the Ministry.
ribune of the President and Secretaries.
able of the President.

6. Screen dividing the Hall.
7. Canvass Screen to retain Heat and Sound in the Chamber
8. Passage for Members round the Hall communicating with Galleries and Exit Doors.
9. Windows in Screen.

THE CAPITOL.—WASHINGTON. U.S.

PLAN OF SENATE CHAMBER, ETC.



THE CAPITOL.—WASHINGTON. U.S. GROUND PLAN OF HOUSE OF REPRESENTATIVES.

COAT ROOM

VESTIBULE

COAT ROOM

COAT ROOM

VESTIBULE

CLOSET

COAT ROOM

VESTIBULE

COAT ROOM

HOUSE OF
REPRESENTATIVES
NUMBER OF SEATS ON FLOOR 316
112'. 0" x 74'. 0"

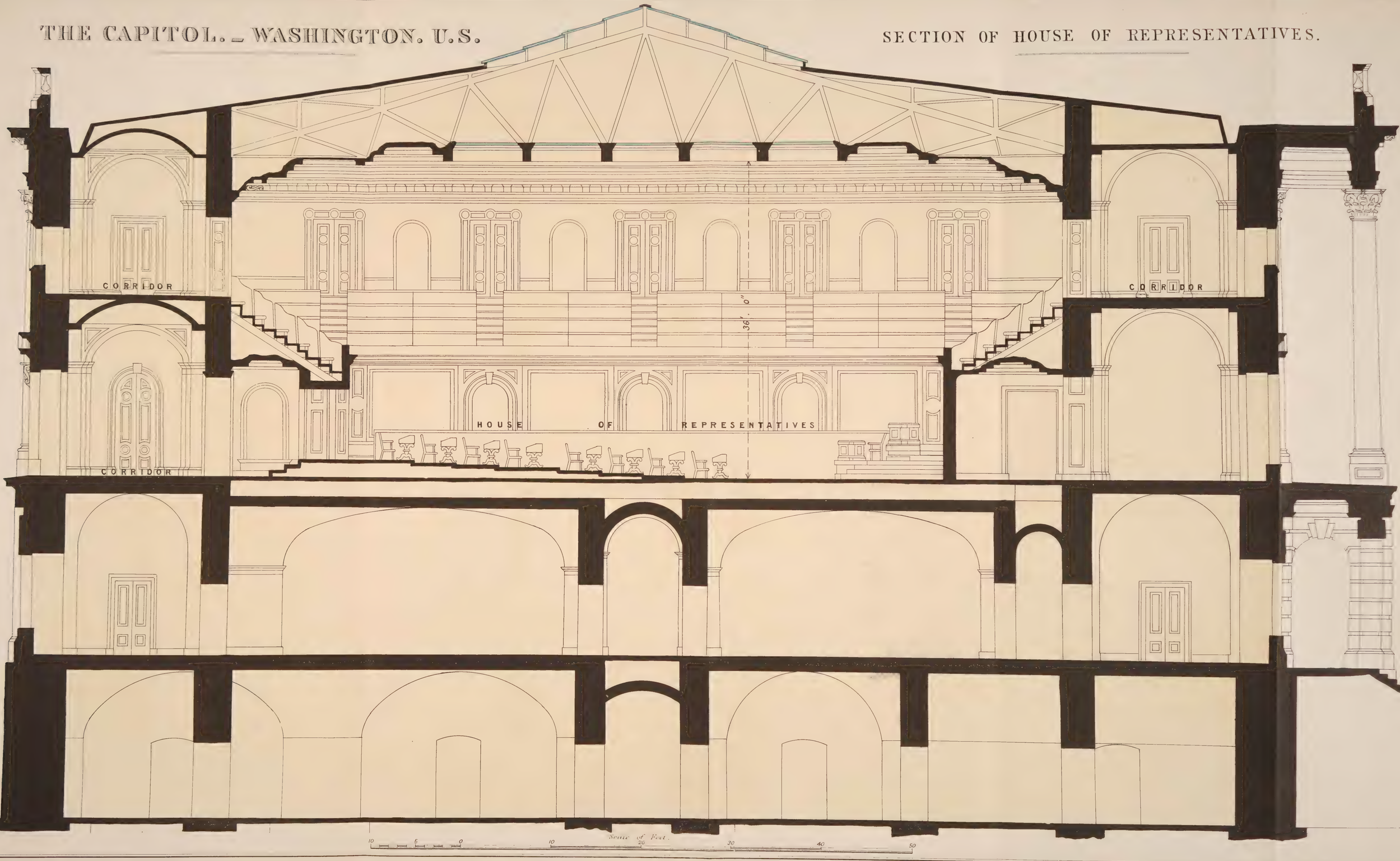
C O R R I D O R

Scale of Feet.

10 5 0 10 20 30 40 50

THE CAPITOL._WASHINGTON. U.S.

SECTION OF HOUSE OF REPRESENTATIVES.



THE HOUSE OF COMMONS, CANADA.

TRANSVERSE SECTION.

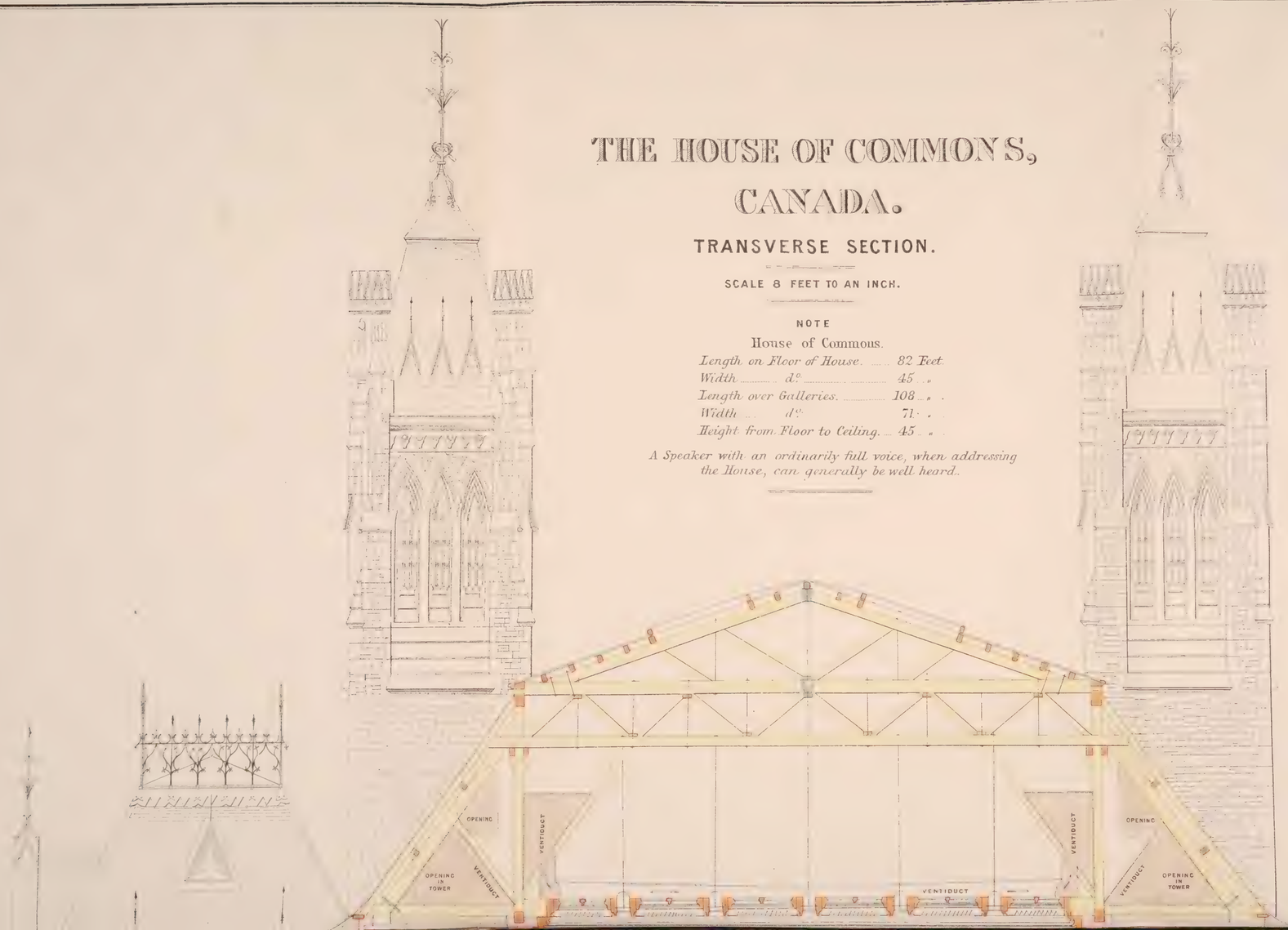
SCALE 8 FEET TO AN INCH.

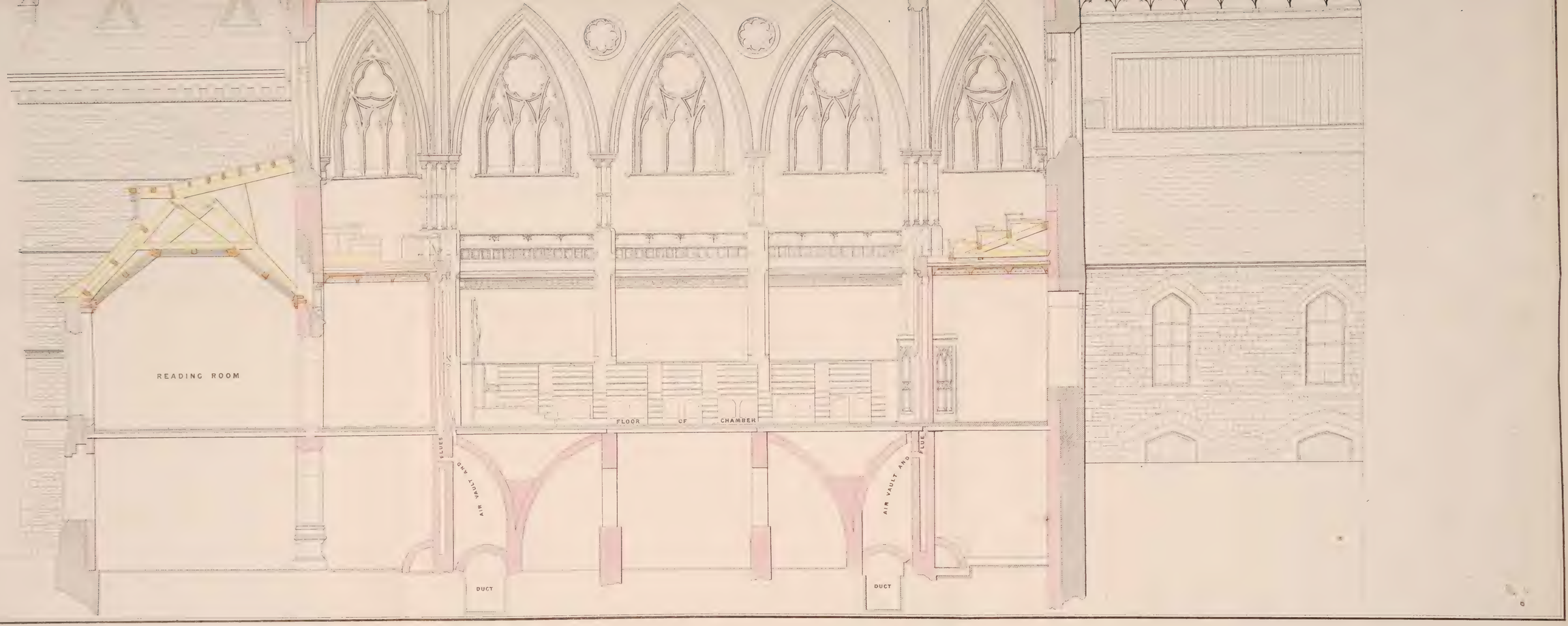
NOTE

House of Commons.

Length on Floor of House		*82 Feet*
Width	*d°*	*45 „*
Length over Galleries		*108 „*
Width	*d°*	*71 „*
Height from Floor to Ceiling		*45 „*

A Speaker with an ordinarily full voice, when addressing the House, can generally be well heard.




READING ROOM
FLOOR OF CHAMBER
AIR VAULT AND FLUES
AIR VAULT AND FLUE
DUCT
DUCT

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS);

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1868.

409.

Wednesday, 20th November 1867.

Ordered, THAT a Standing Committee be appointed to Control the Arrangements of the Kitchen and Refreshment-rooms, in the Department of the Serjeant-at-Arms attending this House:

Colonel French.	General Dunne.
Lord Robert Montagu.	Mr. Alderman Lawrence.
Mr. Dalglish.	Mr. Robertson.
Mr. Onslow.	Captain Vivian.
Mr. Adam.	

Ordered, THAT Three be the Quorum of the Committee.

Wednesday, 8th July 1868.

Ordered, THAT the Committee have power to Report their Observations to The House.

REPORT - - - - - - - - - - - - - p. iii

PROCEEDINGS OF THE COMMITTEE - - - - - p. vi

REPORT.

THE SELECT COMMITTEE appointed to Control the Arrangements of the KITCHEN and REFRESHMENT-ROOMS, in the Department of the SERJEANT-AT-ARMS attending The HOUSE;——HAVE agreed to the following REPORT:—

DURING the present Session, up to the 7th July, 6,982 Members have dined in the Refreshment-rooms. Your Committee believe that the management of the rooms by Mr. Lucas continues to give satisfaction; for, although they have received a few complaints from Members during the present Session, Mr. Lucas has very promptly rectified any faults to which his attention has been at any time called.

Your Committee desire to impress upon the House the insufficiency of accommodation, and very imperfect ventilation of the Dining-rooms, and recommend that something should be done to remedy the latter defect, at least before the next Session of Parliament.

The Report of the Select Committee on House of Commons (Arrangements) has been referred to your Committee. They have confined their attention to that portion only of the said Report, which relates to removal of the present Dining-rooms, Kitchen, &c., to the Ground or Terrace Floor. The following description by Mr. Barry of the proposed alteration which the said Committee recommend, is included in their Report.

New Refreshment-rooms on a larger scale.

"The present Refreshment-rooms have been much complained of as insufficient to meet the growing demands of Members. Their enlargement has been recommended by Committees, and plans for this purpose have been under the consideration of successive Governments. A proposal has been made to appropriate the Conference-room, and the rooms adjoining it, as Refreshment-rooms for both Houses, served from a common kitchen. There would be many advantages in such an arrangement; but in consequence of its depriving the House of Lords of accommodation at present enjoyed by their Lordships, it has been hitherto considered impracticable. As an alternative, it is therefore now proposed to remove the Refreshment-rooms altogether from their present position, and place them on the ground floor, on a line with the present Smoking-room, and level with the River Terrace. It is also proposed to carry out a similar arrangement as respects the Refreshment-room of the House of Peers, and to concentrate the whole Refreshment Department at the New Palace under one management, with a Central Kitchen and Offices, in the centre portion of the river front. The Commons' Refreshment-room, 72 feet by 42 feet, with an area of 3,024 square feet, is on the north side, close to the Members' Smoking-room; and the Peers' Refreshment-room, which would be quite distinct, is in a corresponding position on the south side. The present Public Dining-rooms adjoin these rooms, and four private rooms are also proposed for the use of Peers, or Members and their friends; the Kitchen and Offices are on the basement storey, and the only external alteration proposed is the substitution of three light windows for the present windows of two lights, so as to gain additional light and air. The present Commons' Refreshment-

rooms are 104 feet by 19 feet, with an area of 1,276 square feet; and the new Refreshment-rooms would, therefore, give an increase of more than 50 per cent. in accommodation."

Your Committee have carefully considered this paragraph of the said Report, and have come to the conclusion that the proposed new Refreshment-rooms and Kitchen would be most objectionable, for the following reasons :—

1stly. They consider that it is absolutely necessary for the convenience of Members, that the Dining-rooms should be on the same floor-level as the House itself; and it would be most inconvenient that the principal approach to the Dining-rooms should be by the narrow staircase shown in the plan.

2ndly. Although the area of the proposed Refreshment-rooms is shown to be greater, yet the height must necessarily be less than that of the present rooms, which your Committee have frequently reported to be insufficient. The height of the present rooms is 16 feet; the average height of the proposed rooms cannot exceed 13 feet. So that, although, as Mr. Barry states, the area of the new rooms may be more than 50 per cent. greater than the present rooms, viz., 3,024 against 1,976 square feet, yet the cubical contents would be very slightly greater, viz., 39,312 against 31,616 feet. Your Committee are, therefore, of opinion, that as the present rooms, which are insufficiently ventilated, contain nearly as many cubic feet as the proposed room, which can have little or no means of ventilation except on one side, viz., that fronting the river, the defects complained of in the present rooms would be greatly aggravated in the new site, and the lighting of the new rooms must necessarily be very imperfect.

3rdly. It is proposed to place the kitchen and its offices on the basement, that is, the cellar floor, considerably below the level of high-water; consequently, not only would lighting and air be deficient, but, as there are at present no drains in the cellars, there would be great difficulty in carrying off the drainage, and the offices would be constantly liable to be flooded.

4thly. The approach to the new kitchen and offices, and also to other parts of the Palace through the Speaker's Court, passing through the Commons Court, would be rendered useless; because if the new House of Commons is built over the Commons Court, as proposed by the Select Committee on House of Commons (Arrangements), the tunnel into which that court would be converted must always be closed whenever the House of Commons is sitting, consequently traffic to the kitchen and other offices would be greatly impeded; and it would be almost impossible for the business to be carried on satisfactorily.

For these reasons, your Committee dissent from the recommendations of the Select Committee on House of Commons (Arrangements), so far as the removal of the Dining-rooms and Kitchen is concerned.

Your Committee, whilst recording their disapproval of the above-mentioned plan, are of opinion that the proposition for converting the Conference and adjoining Committee-rooms into dining-rooms, with new kitchens and offices, is the best that has been devised for the accommodation of both Houses of Parliament; and they believe that such a plan would not be incompatible with carrying out in other respects the recommendations of the Select Committee on House of Commons (Arrangements); should it be thought desirable to adopt any portion of it.

Mr. Lucas, at the close of the last Session of Parliament, applied for compensation for the loss he had sustained by the two o'clock sittings, and the adjournment of the House during the dinner hours. In the November Session of last year he renewed his application, stating that he was incurring a further loss by the Autumn Session of Parliament.

Your Committee, having considered these applications, and having examined the

the accounts furnished by Mr. Lucas, showing the sums expended by him in keeping up the necessary establishments for conducting the business, agreed to the following Resolution on the 19th February :—

> "That, having considered the statements contained in the letter of Mr. Lucas of the 13th of August, and the Memorial of the 22nd of November 1867, describing the loss he had sustained during the last Session, by reason of the unusual and unexpected morning sittings of the House, the Committee will recommend to the Treasury that a gratuity of 150 *l.* be allowed him as compensation for the loss above referred to."

The Lords of the Treasury, however, did not think it desirable to sanction the proposed gratuity.

Your Committee, as before stated, are of opinion that Mr. Lucas is entitled to compensation for the losses he has sustained.

8 *July* 1868.

PROCEEDINGS OF THE COMMITTEE.

Friday, 22nd November 1867.

MEMBERS PRESENT:

Colonel French. | General Dunne.
Mr. Robertson.

Colonel FRENCH was called to the Chair.

A letter from Mr. *Lucas* was read, asking for an increase of salary:

"Refreshment Department,
"22 November 1867.

"Sir,

"The present temporary meeting of Parliament being likely to involve me in further pecuniary difficulties in conducting the service of your dining-room, I am compelled to ask the attention of the Committee to the contents of my letter, dated August 13th, in which I have shown the heavy loss entailed on me by the House adjourning during the dinner hours of Tuesdays and Thursdays.

"It is with deep regret that I find my endeavours (even with the handsome subsidy allowed by the House), thus prevented from securing to me that fair share of profit the arduous nature of my duties entitle me to expect, and with great respect I would humbly suggest that I may be compensated for the loss occasioned to me by the changeful and varying nature of the sittings of your House.

"I am, &c.
"To the Right Honourable Colonel French, M.P., Chairman." (signed) "*Henry Lucas.*"

Mr. *Lucas* was examined.

The Committee deliberated.

[Adjourned to Wednesday next, at Two o'clock.

Wednesday, 27th November 1867.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

General Dunne. | Mr. Dalglish.
Mr. Adam. | Captain Vivian.

Mr. *Lucas* handed in a Statement.

"Refreshment Department,
"27 November 1867.

"Sir,

"The following are the particulars of the cash taken in the dining-room, tea-room, and smoking-room (exclusive of wine), the amount taken in the strangers' room; also, the expenditure, including salaries and wages to servants employed therein up to August 17th 1867, as requested by your Committee.

"I am, &c.
"To the Chairman of the Kitchen and Refreshment Room Committee." (signed) "*Henry Lucas.*"

	£. s. d.	£. s. d.
Cr.		
Dining-room receipts	2,401 19 6	
Tea	206 19 8	
Smoking	114 3 6	
Strangers	544 18 8	
		3,268 1 4
Dr.		
Trade Accounts	2,493 2 10	
Wages and salaries	1,115 13 6	
		3,608 16 4
Deficit £.		340 15 –

Wine Account £. 1,103 – *s.* 10 *d.*

The Committee deliberated.

[Adjourned to Friday next, at half-past Three o'clock.

Friday, 29th November 1867.

MEMBERS PRESENT:

Captain Vivian.	Mr. Robertson.
Mr. Lawrence.	Mr. Adam.

Mr. ADAM was called to the Chair.

The Committee deliberated.

[Adjourned.

Wednesday, 19th February 1868.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Alderman Lawrence.	Mr. Adam.
Mr. Robertson.	General Dunne.

The Committee deliberated.

Mr. *Lucas* was examined, as to the statement handed in by him on 22nd November.

The room was cleared, and the Committee deliberated.

Resolved, "That having considered the statements contained in the letter of Mr. Lucas of the 13th August, and the Memorial of the 22nd of November 1867, describing the loss he sustained during the last Session, by reason of the unusual and unexpected morning sittings of the House, the Committee will recommend to the Treasury that a gratuity of 150 *l.* be allowed him as compensation for the loss above referred to."

[Adjourned to Wednesday 11th March, at One o'clock.

Wednesday, 11th March 1868.

MEMBERS PRESENT:

General Dunne.	Mr. Lawrence.
Mr. Onslow.	Mr. Robertson.
Captain Vivian.	

General DUNNE called to the Chair.

A complaint from Captain *Mackinnon* respecting the quality of the tea, was taken into consideration.

A complaint from Mr. *Greene*, on the quality of the mutton, was also considered.

Mr. *Lucas* called in, and Examined.

[Adjourned to Wednesday next, at One o'clock.

Wednesday, 18th March 1868.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Onslow.	Mr. Robertson.

The Committee deliberated.

[Adjourned to Wednesday next, at One o'clock.

Wednesday, 25th March 1868.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Robertson. | General Dunne.

The Committee deliberated.

[Adjourned to Wednesday next, at One o'clock.

Wednesday, 1st April 1868.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

General Dunne. | Mr. Adam.
Mr. Lawrence. | Mr Robertson.
Mr. Dalglish.

Mr. *E. M. Barry* was examined, on the plans proposed for the alteration of the House of Commons.

[Adjourned to Wednesday, 22nd April, at One o'clock.

Wednesday, 22nd April 1868.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Dalglish. | Mr. Lawrence.
Mr. Adam.

Mr. *Pressland*, from Mr. Barry's office, called in, and examined.

A suggestion of Mr. Greene's, for having the names of Members speaking in the House exhibited in the Dining-room, considered.

[Adjourned to Wednesday next, at One o'clock.

Wednesday, 29th April 1868.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Robertson. | Mr. Adam.

A letter from Mr. *J. B. Smith*, complaining that he was charged 1*s.* 3*d.* for tea, considered.

Mr. *Lucas* called in, and examined.

Resolved, "That the Serjeant-at-Arms be required to send a requisition to the Office of Works, for gas plate-warmers to be placed in the fire-places in the Dining-room, for the summer months."

[Adjourned to Wednesday next, at One o'clock.

Wednesday, 6th May 1868.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Robertson. | Mr. Lawrence.
Mr. Adam.

The Committee deliberated.

[Adjourned to Wednesday next, at One o'clock.

Wednesday, 13*th May* 1868.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Robertson. | Mr. Adam.

The Committee deliberated.

[Adjourned to Wednesday next, at One o'clock.

Wednesday, 20*th May* 1868.

MEMBER PRESENT:

Mr. Dalglish.

Friday, 29*th May* 1868.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Dalglish. | Mr. Robertson.

A letter from Mr. *Read*, complaining of the venison, and of the table beer, considered.

Mr. *Lucas* called in, and examined.

[Adjourned to Wednesday, 10th June, at One o'clock.

Wednesday, 10*th June* 1868.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Lawrence. | Mr. Dalglish.

A complaint from Mr. *Butler-Johnstone*, respecting the dinners and attendance, was considered.

Mr. *Lucas* called in, and examined.

[Adjourned to Wednesday next, at One o'clock.

Wednesday, 17*th June* 1868.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Lawrence. | Mr. Robertson.

The following letter from the Secretary of the Treasury, was read.

"Sir, "Treasury, 11 June.

"I HAVE to acknowledge the receipt of a letter from Mr. More Molyneux, forwarding to me a copy of a Resolution of the Kitchen and Refreshment-room Committee, recommending a grant of 150*l.* to Mr. Lucas in compensation for losses to which he was subjected by morning sittings during last Session. Mr. Molyneux states that a copy of that Resolution was sent to Mr. Hunt, then Secretary of the Treasury. I have caused a search to be made, and I can find no record of the receipt of such a communication in this office.

"I have spoken to the Chancellor of the Exchequer upon the subject of the proposed gratuity, and we have come to the conclusion that it is one which it would not be desirable for the Lords of the Treasury to sanction.

"I am, &c.

"To Col. French, M.P." (signed) "*G. Sclater-Booth.*"

The Committee deliberated.

[Adjourned to Wednesday next, at Two o'clock.

Wednesday, 24th June 1868.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Robertson.
Mr. Adam.
Mr. Dalglish.

Mr. *Lucas*, examined.

[Adjourned to Wednesday next, at Two o'clock.

Wednesday, 1st July 1868.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Captain Vivian.
General Dunne
Mr. Robertson.
Mr. Lawrence.

The Committee deliberated.

Resolved, "That the Chairman do move that the Report of the Select Committee on House of Commons (Arrangements) be referred to the Committee."

[Adjourned to Wednesday next, at Two o'clock, to consider a Report.

Wednesday 8th July 1868.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Lawrence.
Mr. Robertson.
Mr. Dalglish.

Mr. *Lucas* handed in the following statement of the amount of dinners served to Members weekly during the present Session up to the 7th July.

		No.	
1867: November	22	49	
"	29	297	
December	6	12	
			358
1868: February	14	90	
"	18	117	
"	21	65	
"	28	20	
March	6	138	
"	13	496	
"	20	360	
"	27	356	
April	3	560	
"	24	327	
"	30	425	
May	8	506	
"	15	361	
"	22	549	
"	29	418	
June	5	174	
"	12	484	
"	19	448	
"	26	307	
July	3	294	
"	7	129	
			6,624
	TOTAL		6,982

Proposed Report brought up, and read, as follows:—

"During the present Session, up to 7th July, 6,982 Members have dined in the Refreshment-rooms. Your Committee believe that the management of the rooms by Mr. Lucas, continues to give satisfaction; for, although they have received a few complaints from Members during the present Session, Mr. Lucas has very promptly rectified any faults to which his attention has been at any time called.

"Your Committee desire to impress upon the House the insufficiency of accommodation, and very imperfect ventilation of the Dining-rooms, and recommend that something should be done to remedy the latter defect, at least before the next Session of Parliament.

"The Report of the Select Committee on House of Commons (Arrangements) has been referred to your Committee. They have confined their attention to that portion only of the said Report, which relates to removal of the present Dining-rooms, Kitchen, &c., to the ground or terrace floor. The following description by Mr. Barry of the proposed alteration, which that Committee recommend, is included in their Report.

New Refreshment-rooms on a larger scale.

"'The present Refreshment-rooms have been much complained of as insufficient to meet the growing demands of Members. Their enlargement has been recommended by Committees, and plans for this purpose have been under the consideration of successive Governments. A proposal has been made to appropriate the Conference-room and the rooms adjoining it, as Refreshment-rooms for both Houses, served from a common kitchen. There would be many advantages in such an arrangement; but in consequence of its depriving the House of Lords of accommodation at present enjoyed by their Lordships, it has been hitherto considered impracticable. As an alternative, it is therefore now proposed to remove the Refreshment-rooms altogether from their present position, and place them on the ground floor, on a line with the present Smoking-room, and level with the River Terrace. It is also proposed to carry out a similar arrangement as respects the Refreshment-room of the House of Peers, and to concentrate the whole refreshment department at the New Palace under one management, with a Central Kitchen and Offices in the centre portion of the river front. The Commons' Refreshment-room, 72 feet by 42 feet, with an area of 3,024 square feet, is on the north side, close to the Members' Smoking-room; and the Peers' Refreshment-room, which would be quite distinct, is in a corresponding position on the south side. The present Public Dining-rooms adjoin these rooms, and four private rooms are also proposed for the use of Peers, or Members and their friends. The Kitchen and Offices are on the basement storey, and the only external alteration proposed is the substitution of three light windows for the present windows of two lights, so as to gain additional light and air. The present Commons' Refreshment-rooms are 104 feet by 19 feet, with an area of 1,976 square feet, and the New Refreshment Rooms would therefore give an increase of more than 50 per cent. in accommodation.'

"Your Committee have carefully considered this paragraph of the Report, and have come to the conclusion that the proposed new Refreshment-rooms and Kitchen would be most objectionable, for the following reasons:—

"1stly. They consider that it is absolutely necessary for the convenience of Members, that the Dining-rooms should be on the same floor-level as the House itself, and it would be most inconvenient that the principal approach to the Dining-rooms should be by the narrow staircase shown in the plan.

"2ndly. Although the area of the proposed Refreshment-rooms is shown to be greater, yet the height must necessarily be less than that of the present rooms, which your Committee have frequently reported to be insufficient. The height of the present rooms is 16 feet; the average height of the proposed rooms cannot exceed 13 feet. So that, although, as Mr. Barry states, the area of the new rooms may be more than 50 per cent. greater than the present rooms, viz., 3,024 against 1,976 square feet, yet the cubical contents would be very slightly greater, viz., 39,312 against 31,616 feet. Your Committee are, therefore, of opinion that, as the present rooms, which are insufficiently ventilated, contain nearly as many cubic feet as the proposed room, which can have little or no means of ventilation except on one side, viz., that fronting the river, the defects complained of in the present rooms would be greatly aggravated in the new site, and the lighting of the new rooms must necessarily be very imperfect.

"3rdly. It is proposed to place the Kitchen and its Offices on the basement, that is, the cellar floor, considerably below the level of high-water, consequently, not only would lighting and air be deficient, but as there are at present no drains in the cellars, there would be great difficulty in carrying off the drainage, and the Offices would be constantly liable to be flooded.

"4thly. The approach to the new kitchen and offices, and also to other parts of the Palace through the Speaker's Court, passing through the Commons Court, would be rendered useless; because, if the New House of Commons is built over the Commons Court, as proposed by the Select Committee on House of Commons (Arrangements), the tunnel into which that court would be converted must always be closed whenever the House of Commons is sitting, consequently traffic to the kitchen and other offices would be greatly impeded; and it would be almost impossible for the business to be carried on satisfactorily.

"For these reasons, your Committee dissent from the recommendations of the Select Committee on House of Commons (Arrangements), so far as the removal of the Dining-rooms and Kitchen is concerned.

"Your Committee, whilst recording their disapproval of the above-mentioned plan, are of opinion, that the proposition for converting the Conference and adjoining Committee-rooms into dining-rooms, with new kitchens and offices, is the best that has been devised for the accommodation of both Houses of Parliament; and they believe that such a plan would not be incompatible with carrying out, in other respects, the recommendations of the Select Committee on House of Commons (Arrangements) should it be thought desirable to adopt any portion of it.

"Mr. Lucas, at the close of the last Session of Parliament, applied for compensation for the loss he had sustained by the two o'clock sittings, and the adjournment of the House during the dinner hours. In the November Session of last year he renewed his application, stating that he was incurring a further loss by the Autumn Session of Parliament.

"Your Committee having considered these applications, and having examined the accounts furnished by Mr. Lucas, showing the sums expended by him in keeping up the necessary establishments for conducting the business, agreed to the following Resolution on the 19th February:—

> "'That having considered the statements contained in the letter of Mr. Lucas of the 13th of August, and the Memorial of the 22nd of November 1867, describing the loss he had sustained during the last Session, by reason of the unusual and unexpected Morning Sittings of the House, the Committee will recommend to the Treasury that a gratuity of 150 *l.* be allowed him as compensation for the loss above referred to.'

"The Lords of the Treasury, however, did not think it desirable to sanction the proposed gratuity.

"Your Committee, as before stated, are of opinion that Mr. Lucas is entitled to compensation for the losses he has sustained."

Report read a second time, and agreed to.

Ordered, To Report.

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS);

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1868.

409.

Under 2 *oz.*

Brought from the Lords, 24 July 1868.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON THE

NEW FOREST DEER REMOVAL ACT, 1851;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
27 *July* 1868.

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REPORT.

BY THE SELECT COMMITTEE appointed to inquire into the Operation of the NEW FOREST DEER REMOVAL, &c. ACT, 1851; and to report to the House; and to whom were referred the PAPER respecting Royal Forests laid before the House on the 28th of February last; also a PETITION of Persons having Rights of Common over the New Forest, and others; and also Seven PETITIONS of Owners and Occupiers of Land in the New Forest, presented on the 12th of August 1867.

ORDERED TO REPORT:

THE New Forest contains about 63,000 acres, exclusive of the freehold of the Crown, which amounts to 2,089 acres. Much information upon the early history of this Forest, the rights of the Crown, and of the commoners, will be found in the Fifth Report of a Commission appointed in the year 1787 to examine into the condition of the Forests and Land Revenues of the Crown. 801. 693.

With a view to the present inquiry, the Committee do not think it necessary to go back further than to the Act 9 & 10 Will. 3, cap. 36. By that Act the Crown was empowered to inclose 6,000 acres to be kept as a nursery for wood and timber only. The Crown was likewise empowered, so soon as the trees in any such inclosures should be past danger of being hurt by cattle or deer, to throw open the same, and in lieu thereof to inclose an equal quantity in any other part of the forest, keeping in this way 6,000 acres constantly inclosed as a nursery for timber. By the same Act it was provided that all persons having any right of pasture or pannage, or any privileges within the forest, should hold and enjoy the same, that is to say, their right of pannage, between the 14th September and the 11th November (old style) and their right of common of pasture in and through the waste grounds of the forest, [the time of the fence month, that is to say, 15 days before and 15 days after, Midsummer; and the time of winter heyning, that is to say, from the 11th November to the 23rd April (old style) excepted,] under and subject to the forest laws. It does not appear that any compensation was made to the commoners in consideration of the 6,000 acres thus taken for the growth of timber. But the amount kept under inclosure at the time of passing the Deer Removal Act was less than 1,800 acres.

The Act of 1851 (14 & 15 Vict. c. 76) provided that the deer should be removed, and that in lieu of the right to keep deer in the forest the Crown should be empowered to inclose 10,000 acres, in addition to the 6,000 acres before mentioned. A provision was also made for new inclosures whenever old inclosures were thrown open to the cattle of the commoners; so that by these Acts 16,000 acres might be constantly inclosed as a nursery for timber. This Act further authorised the planting of other trees besides those suited for the purposes of the Navy; and every inclosure to be made under the authority of this Act or of the previous Acts ["shall be of the extent of 300 acres at the least"]. (*Vide* 14 & 15 Vict. c. 76, s. 43.) This Act, moreover, contained provisions for ascertaining the rights of common exercisable over the New Forest.

The deer have accordingly been removed or destroyed, but up to the present time only 3,090 acres have been inclosed under this Act, in addition to the 6,000 acres which are inclosed under the former Act, making the total amount of land now inclosed, 9,090 acres.

The complaints of the witnesses who have appeared before the Committee in support of the petitions may be classed under the following heads :—

1. That the removal of the deer has been injurious to the commoners, inasmuch as the deer consumed, during the winter months, the coarse herbage, heather and other rough undergrowth which now overspreads the pasture.

2. That the Crown, in giving up the right to keep deer in the forest, should also have given up all its rights connected with the deer, such as the fence month and the winter heyning, rights which, though not enforced, are still retained under the Act of Will. 3, c. 36.

3. That sufficient notice is not given before new inclosures are authorised by the Commissioners, so that persons interested might have an opportunity of stating their objections to the sites selected for planting, and that the new inclosures cause inconvenience to the commoners, by obliging them to pasture their cattle at a great distance from their homes, whilst many of the old roads or cattle-tracks are now stopped by the fences.

4. A complaint has also been made in reference to the Southampton and Dorchester Railway Act, 8 & 9 Vict. cap. 93, which authorised the sale of a portion of the forest to the railway company, and provided that the money received should be expended in draining or otherwise improving the forest for the mutual benefit of the Crown and of the commoners. Only a portion of this money has been as yet expended, and the Commissioner of Woods (Mr. Howard) objects to applying the money to new drainage which would not benefit the Crown, while it would, under the terms of the Deer Removal Act, prevent the future inclosing of any land drained with tiles.

5. It has been further stated that the inclosures of late years thrown open to the cattle are so far covered by trees, incumbered by brushwood, and rendered dangerous by large deep drains, that the commoners derive no benefit from the opened inclosures in compensation for the space taken for new inclosures, and that the operation of the Act will, in future years, become still more injurious to the commoners, as the Crown will gradually appropriate all the open spaces, and eventually convert the whole forest into one vast wood.

There are two classes of persons having rights of common in the New Forest who have been differently affected by the Deer Removal Act. The landowners having estates in or near the forest have, in some respects, derived considerable benefit from the removal of the deer, as they have no longer to make expensive fences to keep out the deer, and are able to grow root crops on their farms without fear of their being destroyed. With respect to the small commoners, the Committee have been told, by witnesses on the part of the Crown, that this deterioration of the pasture complained of is owing to the forest not being sufficiently stocked with cattle; and that when the remainder of the 10,000 acres is all inclosed under the provisions of the Deer Removal Act, the number of cattle at present turned out will be sufficient to keep down the rough grass, and improve the pasturage of the forest. It must, however, be remembered that, if the winter heyning were strictly enforced, the bad herbage will not be consumed and the pasture of the forest cannot be expected to improve.

The fence month appears to have been given up long before the removal of the deer, and the right to exclude the commoners' cattle between the 11th of November and the 23rd of April, commonly called the winter heyning, has not been enforced, except so far as has been necessary to assert the right of the Crown. These are remnants of the old forest laws, and were originally instituted for the protection of the deer, and the commoners supposed they would cease when the deer were removed. Indeed, one of the witnesses, Mr. Castleman, who took an active part in opposing the Deer Removal Act in 1851, stated that nothing was said at that time about the fence month or winter heyning, and he "certainly believed that everything necessary for the preser-" vation of the deer would go with the deer." This probably would have been the case, if these forestal rights had not been specially reserved in the 9th section

section of 9 & 10 Will. 3, c. 36, and if penalties had not been imposed on persons turning out cattle during the winter heyning by the 59 Geo. 3, c. 86. The section of 9 & 10 Will. 3 above referred to was evidently inserted in that Act for the express purpose of preserving the rights of the commoners, but which excepted from those rights the fence month and winter heyning, for the sake of the deer, which no longer exist. Although the commoners have no substantial grievance to complain of, so long as the Crown does not insist upon the exercise of these rights, their existence will be a matter of importance if the forest should be inclosed, and the Committee are of opinion that the question should then be determined upon equitable considerations.

With reference to the third complaint, the Committee are glad to observe that this grievance has not escaped the observation of the New Forest Commissioners; and for the future, notices of meetings to be held for the purpose of setting out the inclosures will be made more public, when the commoners whose rights will be affected will have an opportunity of stating their objections. Mr. Howard expresses himself always ready to meet the views of the New Forest Commissioners which it is hoped will remove all grounds of complaint on this head for the future. *Vide* Evidence, Qu. 671. 674.

With reference to complaint No. 4, it appears that about 500 acres were drained, under the authority of the Commissioners, by Mr. Josiah Parkes, but that the operation was by no means successful, owing to the drainage having been executed with inch pipes, which are now more or less choked up. There is still a balance in the hands of the Commissioners, amounting to 6,175 *l.*, but Mr. Howard declines to drain more land, because, with the removal of the deer, the interest of the Crown in the pasture of the forest ceased. In answer to a question, he states, "That the purchase-money of this land was to be spent to the mutual advantage of the Crown and the commoners, because at that time the Crown had the right to keep deer in the forest; and therefore if any of the money were spent in improving the pasturage in the forest, it would improve the pasturage for the deer as well as for the foresters' cattle. When the deer were done away with, that mutuality ceased to exist, because any land that was improved after that by drainage would be improved almost exclusively for the benefit of the commoners and to the detriment of the Crown, as the Crown would be deprived (under the Deer Removal Act) of the power to inclose the land that had been drained" (with tiles). The Committee think the commoners are entitled to some consideration, and that they should not bear the entire loss of the drainage already so badly executed, and that the remaining capital should be expended in improving the drainage. The Act does not confine the expenditure to draining with tiles, and great improvement might be effected by widening the brooks in places where the overflow of the drains in the plantations has damaged the pasturage of the forest, as in the case which Mr. Esdaile informs the Committee he has in vain brought under the consideration of the Commissioners, and which has been also recommended by two verderers in strict compliance with the provisions of the Act. *Vide* Evidence, Qu. 653.

There is some contradiction in the evidence as to the state of the pasturage in the inclosures which have been thrown open, but it is admitted that herbage under trees thickly planted must be of inferior quality, and it is therefore not to be expected that inclosures newly thrown open can be an equivalent for the land taken for planting. No inclosures made under the Deer Removal Act have as yet been thrown open, and consequently this complaint must apply to the Act 9 & 10 Will. 3, cap. 36.

It cannot be denied that under the operation of these Acts the Crown will gradually extend its plantations over the greater part of the forest.

In proportion as the planting is well done, and the trees thrive under a system of management which is admitted to be excellent, so the forest will gradually be more thickly covered with timber to the detriment of the pasture.

Under the Act 14 & 15 Vict. only 3,090 acres have as yet been inclosed in addition to the 6,000 acres inclosed under other Acts; if then, this extent of inclosure, limited as compared with the undoubted rights of the Crown, has given rise to so much dissatisfaction, the Commissioners will meet with great

difficulties in giving effect to the Act, and to the undoubted intentions of the Legislature.

The interests of the Crown and of the commoners are at variance, and there must be a perpetual struggle of conflicting interests.

The Committee are of opinion that the effective remedy for this unsatisfactory state of affairs will be found in the adoption of the course pursued in regard to other Royal forests.

This course consists in the appointment of a Commission for the purpose of allotting to the Crown certain portions of the forest in fee, freed from all common rights, and leaving the residue to the commoners to deal with in such manner as they may think best. The subject is one of a difficult and delicate nature, and full opportunity should be given to all parties interested to make representations which should be fairly and impartially considered. It is desirable in the interest of the commoners that the Crown should take all existing inclosures as a portion of the allotment for the rights of the Crown, and that the allotments for the Crown should be made in such portions and situations as may least interfere with the convenience of the resident commoners.

And the Committee have directed the Minutes of Evidence taken before them, together with an Appendix, to be laid before your Lordships.

9th July 1868.

ORDER OF REFERENCE.

Die Veneris, 22° *Maii*, 1868.

New Forest Deer Removal, &c., Act, 1851.

Moved, That a Select Committee be appointed to inquire into the Operation of the 14th & 15th Vict. cap. 76, intituled, "An Act to extinguish the Right of the Crown to Deer in the New Forest, and to give Compensation in lieu thereof; and for other Purposes relating to the said Forest"; after short Debate, agreed to; the Committee to be named on Monday next.—(The Viscount *Eversley*.)

Petition, that the Report of the Commissioners in charge of the Royal Forests to the Lords of the Treasury (laid before the House on the 28th of February last) may be referred to a Select Committee of Persons having Rights of Common over the New Forest, and others; read, ordered to lie on the Table.

Die Lunæ, 25° *Maii*, 1868.

The naming of the Select Committee on (which stands appointed for this day), put off till To-morrow.

Die Martis, 26° *Maii*, 1868.

The Lords following were named of the Committee: The Committee to meet on Thursday next, at Four o'clock, and to appoint their own Chairman:

Duke of Somerset.
Earl of Devon.
Earl of Doncaster.
Earl of Romney.
Earl Nelson.
Viscount Eversley.
Lord Portman.
Lord Stanley of Alderley.
Lord Belper.
Lord Northbrook.
Lord Fitzwalter.

Ordered, That the Paper respecting Royal Forests (laid before the House on the 28th of February last), and also the Petition of Persons having Rights of Common over the New Forest, and others (presented on Friday last), be severally referred to the said Committee.

LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT EACH SITTING OF THE COMMITTEE.

Die Jovis, 28° *Maii* 1868.

LORDS PRESENT:

Duke of Somerset.	Lord Portman.
Earl of Devon.	Lord Stanley of Alderley.
Earl of Doncaster.	Lord Belper.
Earl of Romney.	Lord Fitzwalter.
Earl Nelson.	
Viscount Eversley.	

Order of Reference read.

Order read, referring to this Committee seven Petitions of owners and occupiers of land in the New Forest, for inquiry into the operation of the Deer Removal Act, and that pending inquiry further inclosure may be arrested (presented on the 12th of August 1867).

It is proposed that the Viscount Eversley do take the Chair.

The same is agreed to, and the Viscount Eversley takes the Chair accordingly.

The course of proceeding is considered.

Ordered, That the Committee be adjourned till Tuesday the 9th of June, Twelve o'clock.

Die Martis, 9° *Junii* 1868.

LORDS PRESENT:

Duke of Somerset.	Viscount Eversley.
Earl of Devon.	Lord Portman.
Earl of Doncaster.	Lord Stanley of Alderley.
Earl of Romney.	Lord Belper.
Earl Nelson.	Lord Fitzwalter.

The Viscount EVERSLEY, in the Chair.

Order of Adjournment read.

Order of the House of the 28th of May last, that the Evidence taken from time to time before the Select Committee be printed for the use of the members of this House, but no copies thereof be delivered except to members of the Committee, until further order, read.

The Proceedings of the Committee of Thursday the 28th of May last are read.

The following Witnesses are called in, and examined (*vide* the Evidence), viz., *William Clement Drake Esdaile*, Esquire; *Charles Young*; *Thomas Cheetar*; *Charles Castleman*, Esquire; *James Seager*; *William Abbott*; and Mr. *Frederick Fryer*.

Ordered, That the Committee be adjourned till Tuesday next, Twelve o'clock.

Die Martis, 16° *Junii*, 1868.

LORDS PRESENT:

Duke of Somerset.	Lord Stanley of Alderley.
Earl of Devon.	Lord Belper.
Earl of Romney.	Lord Northbrook.
Viscount Eversley.	Lord Fitzwalter.

The Viscount EVERSLEY in the Chair.

Order of adjournment read.

The Proceedings of Tuesday last are read.

The following Witnesses are called in, and examined (*vide* the Evidence), viz., *George E. Briscoe Eyre*, Esq.; Lord *Henry Scott*, M.P.; Mr. *Henry Bone*; Mr. *Giles Westbury*; Honourable *James K. Howard.* and Mr. *John Clutton.*

Ordered, That the Committee be adjourned till Tuesday next, Twelve o'clock.

Die Martis, 23° *Junii*, 1868.

LORDS PRESENT:

Duke of Somerset.	Lord Portman.
Earl of Devon.	Lord Stanley of Alderley.
Earl of Romney.	Lord Belper.
Earl Nelson.	Lord Northbrook.
Viscount Eversley.	

The Viscount EVERSLEY in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are called in, and examined (*vide* the Evidence), viz., *Laurence Henry Cumberbatch*, Esq.; Honourable *James K. Howard*, *John Gardiner*, Esq.; and *William Clement Drake Esdaile*, Esq.

Ordered, That the Committee be adjourned till Tuesday the 7th of July, Three o'clock.

Die Martis, 7° *Julii*, 1868.

LORDS PRESENT:

Duke of Somerset.	Lord Portman.
Earl of Devon.	Lord Sanley of Alderley.
Earl of Doncaster.	Lord Belper.
Earl of Romney.	Lord Northbrook.
Earl Nelson.	Lord Fitzwalter.
Viscount Eversley.	

The Viscount EVERSLEY in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Tuesday the 23rd of June last are read.

The Draft of a Report prepared by the Chairman is laid before the Committee, and is as follows; viz.:

"1. THAT although the complaints of the Petitioners are principally directed against the 14 & Vict. c. 76, commonly called the Deer Removal Act, it is absolutely necessary to consider this Act in connection with the 9 & 10 Will. 3, c. 36, and its supplement, 48 Geo. 3, c. 72, which, together with the 14 & 15 Vict. c. 76, now regulate the inclosures in the New Forest for the purposes of planting.

 "2. Under

"2. Under the Act of Will. 3, and Geo. 3, 6,000 acres might be inclosed; the plantation to be a nursery for timber only. Under the Act of Victoria, 10,000 more acres might be taken for the same purpose, and planted with timber or other trees; and both this statute as well as the 9 & 10 of Will. 3, empower the Crown to inclose such lands for the purpose of planting, as might best be spared from the commons and highways in the forest; and they contain a provision that, at all times hereafter, whenever the Board of Treasury should be satisfied that the woods and trees growing in the said inclosure, or within the inclosures hereafter to be made, were past danger of browsing of cattle or other prejudice, and should think fit to lay the same open and in common, then it should be lawful for the Crown from time to time to inclose out of the said forests *in lieu* of so much as should be laid open, the like quantity out of any other part of the said wastes. More than 6,000 acres of land inclosed under the provision of 9 & 10 Will. 3, have been thrown out, and Mr. Howard has stated in his Report, p. 4, that over and above the extent of the inclosures so thrown open, the whole quantity of 6,000 acres of land authorised to be inclosed by the Act of Will. 3, and 48 Geo. 3, is now actually inclosed under the direction of Commissioners acting in accordance with such Acts. And this has caused considerable alarm among those who are entitled to right of common in the New Forest, lest the continued exercise of this rolling power on the part of the Crown should gradually absorb all the best pasture land in the forest. The Committee have received contradictory evidence with regard to the state of pasturage in the inclosures which have been so thrown out. Two respectable surveyors who appeared before the Committee on behalf of the commoners, and whose reports will be found in the Appendix, describe the pasture as almost worthless, whilst Mr. Clutton, the surveyor employed by the Commissioners of Woods, and Mr. Cumberbatch, the Deputy Surveyor of the New Forest, hold opposite opinions. Mr. Clutton, speaking of the inclosures thereabout, says some of them are as good pasturage as you can get under trees (723); better than that in Salcy Wood in Northamptonshire, which he now lets for 5 *s.* per acre (730); and Mr. Cumberbatch states that there is in those inclosures a considerable amount of pasture as compared with the rest of the forest; and this he states will continue to increase as the trees are thinned and the brushwood disappears.

"3. It is clear, however, from the wording of the 3rd clause of the Act of Will. 3 (which has been repeated in the Act of Victoria), that the Legislature contemplated the land so thrown out in common to be an equivalent for the lands inclosed in lieu thereof, and that it should also be fit for the pasturage of cattle; and the Committee are of opinion that it would be just and equitable in all future cases where old inclosures are proposed to be thrown out, in order that other land might be planted in lieu thereof, that the Inclosure Commissioners appointed under the Act of Will. 3, and the Deer Removal Act, should call for a certificate from one or more competent surveyors, with regard to the state of the land to be thrown open, and should satisfy themselves that the pasturage thereon is a sufficient compensation to the commoners, before they authorise the projected inclosure to be made.

"4. The commoners also complain of the great extent of some of the new inclosures, and that too much land is inclosed in one district, inasmuch as persons having rights of common who live over the borders of these districts are deprived in a great measure of their right of turbary and common, owing to the distance to which they are thereby driven in search of turf and food for their cattle. The Committee are glad to observe that this grievance has not escaped the observation of the New Forest Commissioners; and, for the future, greater publicity will be given of the meetings to be held for the purpose of setting out the inclosures, when the commoners whose rights will be affected will have an opportunity of stating their objections. Mr. Howard expresses himself always ready to meet the views of the Commissioners (671, 674), which it is hoped will remove all grounds of complaint on this head for the future.

"5. There are two classes of persons having rights of common in the New Forest who have been differently affected by the Deer Removal Act. The landowners having estates in or near the forest have, in some respects, derived considerable benefit from the removal of the deer, as their tenants have no longer to make expensive fences to keep out the deer, and are able to grow root crops on their farms without fear of their being destroyed. The small holders on the contrary appear to have suffered from causes to which allusion has already been made; and they also complain that, owing to their cattle and ponies not being allowed to feed in the forest during the time of heyning, and their being no longer any deer to consume the rough and bad grass during the winter months, the lawns have become overgrown with heath and rubbish, and the pasture in the forest much deteriorated. On the other hand we have been told by witnesses on the part of the Crown, that this deterioration of the pasture is owing to the forest not being sufficiently stocked with cattle; and that when the remainder of the 10,000 acres is all inclosed under the provisions of the Deer Removal Act, the number of cattle at present turned out will be sufficient to keep down the rough grass, and improve the pasturage of the forest. It must, however, be remembered that, unless the cattle and ponies are allowed to be turned out during the time of winter heyning, when they are hard pressed for food, the bad herbage will not be consumed and the pasture of the forest cannot be expected to improve. The fence month (being 30 days at Midsummer) appear to have been given up even before the removal of the deer, but the right to exclude the commoners' cattle between the 11th of November and the 23rd of April, commonly called the winter heyning, continues

tinues to be enforced by an occasional drive. These are remnants of the old forest laws, and were originally instituted for the protection of the deer, and the commoners not unnaturally supposed they would cease to be enforced when the deer were removed. Indeed, one of the witnesses, Mr. Castleman, who took an active part in opposing the Deer Removal Act in 1851, stated that nothing was said at that time about the fence month or winter heyning, and 'he certainly believed that everything necessary for the 'preservation of the deer would go with the deer.'

" 6. This, probably, would have been the case if these forestal rights had not been specially mentioned in one of the clauses of the 9 & 10 Will. 3, which was evidently inserted in that Act for the express purpose of preserving the rights of the commoners, but which excepted from those rights the fence month and winter heyning, although, of course, these exceptions were only inserted for the sake of the deer, which no longer exist. The officers of the forest are naturally jealous of any increased privilege being conferred upon the commoners, lest, in the event of an inclosure of the forest, it should give them a claim to a larger allotment. But considering the class of men who would be benefited by this indulgence, the Committee cannot agree with Mr. Howard, that the Crown ought to receive compensation for an act of grace which would confer a substantial benefit on a great many poor persons who inhabit the borders of the forest.

" 7. Mr. Howard, in his Report presented to Parliament, and Mr. Esdaile, one of the witnesses examined on the part of the Petitioners, have called our attention to the arrangement made under the Southampton and Dorchester Railway Act, 8 & 9 Vict. c. 93, ss. 17, 18, which authorised the sale of a small portion of the forest to the Company, and provided that the purchase-money to be received by the Commissioners of Woods should be expended with all convenient speed in draining or otherwise improving the said forest or any portions thereof, in such manner as in the judgment of the said Commissioners, the Lord Warden, and two of the verderers for the time being of the said forest may best conduce to the mutual benefit of Her Majesty, Her heirs and successors; and the parties entitled to the rights of common over the uninclosed portions of the said forest. It appears that about 500 acres were drained under the authority of the Commissioners by Mr. Josiah Parkes, but that the operation was by no means successful, owing to the drainage having been executed with inch pipes, which are now more or less choked up with sand, &c. There is still a balance in the hands of the Commissioners amounting to £. , but Mr. Howard declines to drain more land, because, with the removal of the deer, the interest of the Crown in the pasture of the forest ceased. In answer to a Question (653), he states, " That the purchase-money of this land was to be spent to the mutual advantage of the Crown and the commoners, because at that time the Crown had the right to keep deer in the forest; and therefore, if any of the money were spent in improving the pasture in the forest, it would improve the pasturage for the deer as well as for the foresters' cattle. When the deer were done away with, that mutuality ceased to exist, because any land that was improved after that by drainage would be improved almost exclusively for the benefit of the commoners and to the detriment of the Crown, as the Crown would be deprived (under the Deer Removal Act) of the power to inclose the land that had been drained with tiles." The Committee cannot give their assent to the views taken by Mr. Howard of the duties of the Commissioners of Woods under the Southampton and Dorchester Act. The money already spent under their authority has, we are informed, been of very little benefit to the commoners, although the Commissioners were not to blame, because the experiment, conducted under one of the ablest engineers at that time in the science of drainage was unsuccessful. But the Committee think the commoners are entitled to some consideration, and that they should not bear the entire loss of the drainage already so badly executed. The Act does not confine the expenditure to draining with tiles, and great improvement might be effected by widening the brooks in places where the overflow of the drains in the plantations has damaged the pasturage of the forest, as in the case which Mr. Esdaile informs us he has in vain brought under the consideration of the Commissioners, and which has been also recommended by two verderers, in strict compliance with the provisions of the Act.

" 8. The Committee have now enumerated the principal complaints contained in the Petitions referred to them; and they have every reason to believe that—if, for the future, no more land is taken for inclosure in lieu of old inclosure thrown out than is justified by the state of the latter, both as regards present and future pasturage; that if, in selecting sites for new inclosures, more consideration is shown by the New Forest Commissioners for the interests of the commoners resident in the neighbourhood, and if the restrictions on turning out cattle during the fence months and winter heynings are abandoned, now that they are no longer of use for the preservation of the deer, and if the money received from the Southampton and Dorchester Company is judiciously expended in improvements other than tile-draining for the benefit of the commoners—every just grievance will be removed, and the Commissioners may proceed with the planting of the remaining portion of inclosure authorised by the Deer Removal Act, without a murmer of discontent being heard on the part of the commoners in the forest; and it has been most gratifying to the Committee to receive, during their inquiry, the most satisfactory testimony of the present state of the plantations in the forest, and of the admirable manner in which they have been managed.

"9. The Committee cannot close their Report without adverting to the suggestions which they have received from various quarters with reference to the inclosure of the New Forest, as the best, and almost the only method of putting an end to the disputes between the commoners and the Crown. It has been proposed to allot to the Crown certain portions of land in the centre of the forest, to be held in fee, and free from all common rights whatever, and to allot to the commoners certain blocks of waste land on the edge of the forest most convenient for the free exercise of their common rights, and also free from all rights of the Crown. This proposition may be worthy the consideration of Her Majesty's Government; but as it has not been referred directly to the Committee by the House, and has only been brought under their notice, as it were, incidentally, the Committee do not feel themselves in a position to offer any recommendation upon a proposition of so important a character."

After discussion: the following Resolution is moved by the Earl of Romney, viz.: "That having regard to the terms of reference, and the grievances raised by the Petitioners, the Committee do not express any opinion on the subject of an inclosure;" to which an Amendment was moved by the Earl of Devon, to leave out all the words after "That" for the purpose of inserting the following words; viz., "in reporting upon the "operation of the New Forest Deer Removal Act, and the remedies to be applied to such "evils as appear to exist in consequence, the Committee do express an opinion in favour "of an inclosure, as appearing to them the most effectual remedy."

On Question, that the words proposed to be left out stand part of the Resolution:

Contents:	Not Contents:
Earl of Doncaster.	Duke of Somerset.
Earl of Romney.	Earl of Devon.
Earl Nelson.	Lord Portman.
Viscount Eversley.	Lord Stanley of Alderley.
Lord Fitzwalter.	Lord Belper.
	Lord Northbrook.

The Resolution by the Earl of Devon is *agreed to.*

A Draft Report proposed by the Duke of Somerset, is read to the Committee.

The Draft Report prepared by the Chairman is considered.

It is proposed by the Duke of Somerset to leave out Paragraphs 1, 2, and 3, and to insert the following paragraphs, viz.:

"1. The New Forest contains about 66,000 acres.

"2. Much information upon the early history of this Forest, the rights of the Crown, and of the commoners, will be found in the Fifth Report of a Commission appointed in the year 1787 to examine into the condition of the Forests and Land Revenues of the Crown.

"3. With a view to the present inquiry, the Committee do not think it necessary to go to the Act 9 & 10 Will. 3. By that Act the Crown was empowered to inclose 6,000 acres to be kept as a nursery for wood and timber only. The Crown was likewise empowered, so soon as the trees in such inclosures should be past danger of being hurt by cattle or deer, to throw open the same, and in lieu thereof to inclose an equal quantity in any other part of the forest, keeping in this way 6,000 acres constantly inclosed as a nursery for timber. By the same Act it was provided that all persons having any right of pasture or pannage, or any privileges within the forest, should hold and enjoy the same, that is to say, their right of pannage, between the 14th September and the 11th November (old style), and their right of common or pasture in and through the waste grounds of the forest, the time of the fence month, that is to say, 15 days before and 15 days after, Midsummer; and the time of winter heyning, that is to say, from the 11th November to the 23rd April (old style) excepted, under and subject to the forest laws.

"4. It does not appear that any compensation was made to the commoners in consideration of the 6,000 acres thus taken for the growth of timber. But the amount kept under inclosure at the time of passing the Deer Removal Act was less than 1,800 acres.

"5. The Act of 1851 (14 & 15 Vict. c. 76) provided that the deer should be removed, and that in lieu of the right to keep deer in the forest the Crown should be empowered to inclose 10,000 acres, in addition to the 6,000 acres before mentioned. A provision was also made for new inclosures whenever old inclosures were thrown open to the cattle of the commoners; so that by these Acts 16,000 acres might be constantly inclosed as a nursery for timber. This Act further authorised the planting of other trees besides those suited for the purposes of the Navy. This Act, moreover, contained provisions for ascertaining the rights of common exercisable over the New Forest.

"6. The deer have accordingly been removed or destroyed, but up to the present time only 3,090 acres have been inclosed under this Act.

"7. The

"7. The complaints of the witnesses who have appeared before the Committee in support of the petitions may be classed under the following heads:—

"1. It is stated that the removal of the deer has been injurious to the commoners, inasmuch as the deer consumed, during the winter months, the coarse herbage, heather, and other rough undergrowth which now overspreads the pasture.

"2. It is stated that the Crown, in giving up the right to keep deer in the forest, should also have given up all its rights connected with the deer, such as the fence month and the winter heyning rights which, though not enforced, are still retained under the Act of Will. 3.

"3. It is stated that sufficient notice is not given before new inclosures are authorised by the Commissioners, so that persons interested might have an opportunity of stating their objections to the sites selected for planting.

"4. It is stated that the new inclosures cause inconvenience to the commoners, by obliging them to pasture their cattle at a great distance from their homes, whilst many of the old roads or cattle-tracts are now stopped by the fences.

"5. It is stated that the inclosures of late years thrown open to the cattle, are so far covered by trees, incumbered by brushwood, and rendered dangerous by large deep drains, that the commoners derive no benefit from the opened inclosures in compensation for the space taken for new inclosures.

"6. It is stated that the operation of the Act will, in future years, become still more injurious to the commoners, as the Crown will gradually appropriate all the open spaces, and eventually convert the whole forest into one vast wood.

"7. A complaint has also been made in reference to the Southampton and Dorchester Railway Act, 8 & 9 Vict. cap. 93, which authorised the sale of a portion of the forest to the railway company, and provided that the money received should be expended in draining or otherwise improving the forest for the benefit of the Crown and of the commoners. Only a portion of this money has been as yet expended, and the Commissioner of Woods (Mr. Howard) objects to applying the money to drainage which would not benefit the Crown, while it would, under the terms of the Act, prevent the further inclosing of any land so drained."

The same is agreed to.

Paragraphs 4 and 5 of the Chairman's Report are agreed to, with amendments.

Paragraph 6 is read, and amended.

It is proposed by the Lord Northbrook to leave out from "exist" in line 6, to the end of the paragraph, for the purpose of inserting the following words, viz.: "Although the commoners have no substantial grievance to complain of so long as the Crown does not insist upon the exercise of these rights, their existence will be a matter of importance if the forest should be inclosed; and the Committee are of opinion that the question should then be determined upon equitable considerations."

The same is agreed to.

Paragraph 7 is read, and agreed to, as far as "The" in line 25.

Ordered, That the Committee be adjourned till Thursday next, Two o'clock.

Die Jovis, 9° *Julii*, 1868.

LORDS PRESENT:

Duke of Somerset.	Lord Portman.
Earl of Doncaster.	Lord Stanley of Alderley.
Earl of Romney.	Lord Belper.
Earl Nelson.	Lord Northbrook.
Viscount Eversley.	Lord Fitzwalter.

The Viscount EVERSLEY in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The Draft Report, printed as amended, is laid before the Committee, and is as follows:

"1. THE New Forest contains about 66,000 acres.

"2. Much information upon the early history of this forest, the rights of the Crown, and of the commoners, will be found in the Fifth Report of a Commission appointed in

the year 1787 to examine into the condition of the Forests and Land Revenues of the Crown.

" 3. With a view to the present inquiry, the Committee do not think it necessary to go back further than to the Act 9 & 10 Will. 3. By that Act the Crown was empowered to inclose 6,000 acres to be kept as a nursery for wood and timber only. The Crown was likewise empowered, so soon as the trees in such inclosures should be past danger of being hurt by cattle or deer, to throw open the same, and in lieu thereof to inclose an equal quantity in any other part of the forest, keeping in this way 6,000 acres constantly inclosed as a nursery for timber. By the same Act it was provided that all persons having any right of pasture or pannage, or any privileges within the forest, should hold and enjoy the same, that is to say, their right of pannage, between the 14th September and the 11th November (old style), and their right of common of pasture in and through the waste grounds of the forest, the time of the fence month, that is to say, 15 days before and 15 days after, Midsummer; and the time of winter heyning, that is to say, from the 11th November to the 23rd April (old style) excepted, under and subject to the forest laws.

" 4. It does not appear that any compensation was made to the commoners in consideration of the 6,000 acres thus taken for the growth of timber. But the amount kept under inclosure at the time of passing the Deer Removal Act was less than 1,800 acres.

" 5. The Act of 1851 (14 & 15 Vict. c. 76) provided that the deer should be removed, and that in lieu of the right to keep deer in the forest the Crown should be empowered to inclose 10,000 acres, in addition to the 6,000 acres before mentioned. A provision was also made for new inclosures whenever old inclosures were thrown open to the cattle of the commoners; so that by these Acts 16,000 acres might be constantly inclosed as a nursery for timber. This Act further authorised the planting of other trees besides those suited for the purposes of the Navy. This Act, moreover, contained provisions for ascertaining the rights of common exercisable over the New Forest.

" 6. The deer have accordingly been removed or destroyed, but up to the present time only 3,090 acres have been inclosed under this Act.

7. The complaints of the witnesses who have appeared before the Committee in support of the petitions may be classed under the following heads:—

" 1. It is stated that the removal of the deer has been injurious to the commoners, inasmuch as the deer consumed, during the winter months, the coarse herbage, heather and other rough undergrowth which now overspreads the pasture.

" 2. It is stated that the Crown, in giving up the right to keep deer in the forest should also have given up all its rights connected with the deer, such as the fence month and the winter heyning, rights which, though not enforced, are still retained under the Act of Will. 3.

" 3. It is stated that sufficient notice is not given before new inclosures are authorised by the Commissioners, so that persons interested might have an opportunity of stating their objections to the sites selected for planting.

" 4. It is stated that the new inclosures cause inconvenience to the commoners, by obliging them to pasture their cattle at a great distance from their homes, whilst many of the old roads or cattle-tracts are now stopped by the fences.

" 5. It is stated that the inclosures of late years thrown open to the cattle, are so far covered by trees, incumbered by brushwood, and rendered dangerous by large deep drains, that the commoners derive no benefit from the opened inclosures in compensation for the space taken for new inclosures.

" 6. It is stated that the operation of the Act will, in future years, become still more injurious to the commoners, as the Crown will gradually appropriate all the open spaces, and eventually convert the whole forest into one vast wood.

" 7. A complaint has also been made in reference to the Southampton and Dorchester Railway Act, 8 & 9 Vict. cap. 93, which authorised the sale of a portion of the forest to the railway company, and provided that the money received should be expended in draining or otherwise improving the forest for the benefit of the Crown and of the commoners. Only a portion of this money has been as yet expended, and the Commissioner of Woods (Mr. Howard) objects to applying the money to drainage which would not benefit the Crown, while it would, under the terms of the Act prevent the future inclosing of any land so drained.

" 8. There are two classes of persons having rights of common in the New Forest who have been differently affected by the Deer Removal Act. The landowners having estates in or near the forest have, in some respects, derived considerable benefit from the removal of the deer, as their tenants have no longer to make expensive fences to keep out the deer, and are able to grow root crops on their farms without fear of their being destroyed.

" 9. The small commoners complain of the great extent of some of the new inclosures, and that too much land is inclosed in one district, inasmuch as persons having rights of common who live on the borders of these districts are deprived in a great measure of the convenient exercise of their right of turbary and common, owing to the distance to which they are thereby driven in search of turf and food for their cattle. The Committee are glad to observe that this grievance has not escaped the observation of the New Forest Commissioners; and for the future greater publicity will be given of the meetings to be held

held for the purpose of setting out the inclosures, when the commoners whose rights will be affected will have an opportunity of stating their objections. Mr. Howard expresses himself always ready to meet the views of the Commissioners (671, 674), which it is hoped will remove all grounds of complaint on this head for the future.

" 10. With respect to the said complaint, we have been told by witnesses on the part of the Crown that this deterioration of the pasture is owing to the forest not being sufficiently stocked with cattle; and that when the remainder of the 10,000 acres is all enclosed under the provisions of the Deer Removal Act, the number of cattle at present turned out will be sufficient to keep down the rough grass, and improve the pasturage of the forest. It must, however, be remembered that, unless the cattle and ponies are allowed to be turned out during the time of winter heyning, when they are hard pressed for food, the bad herbage will not be consumed and the pasture of the forest cannot be expected to improve. The fence month appears to have been given up even before the removal of the deer, and the right to exclude the commoners' cattle between the 11th of November and the 23rd of April, commonly called the winter heyning, has not been enforced, except so far as by an occasional drift has been necessary to assert the right of the Crown. These are remnants of the old forest laws, and were originally instituted for the protection of the deer, and the commoners supposed they would cease when the deer were removed. Indeed, one of the witnesses, Mr. Castleman, who took an active part in opposing the Deer Removal Act in 1851, stated that nothing was said at that time about the fence month or winter heyning, and he ' certainly believed that everything necessary for the preservation of the deer would go with the deer.'

" 11. This, probably, would have been the case, if these forestal rights had not been specially mentioned in one of the clauses of the 9 & 10 Will. 3, and 59 Geo. 3, c. 86, which imposes penalties on persons turning out cattle during the winter heyning, which was evidently inserted in that Act for the express purpose of preserving the rights of the commoners, but which excepted from those rights the fence month and winter heyning, for the sake of the deer, which no longer exist. Although the commoners have no substantial grievance to complain of, so long as the Crown does not insist upon the exercise of these rights, their existence will be a matter of importance if the forest should be inclosed, and the Committee are of opinion that the question should then be determined upon equitable considerations.

" 12. Mr. Howard, in his Report presented to Parliament, and Mr. Esdaile, one of the witnesses examined on the part of the Petitioners, have called our attention to the arrangement made under the Southampton and Dorchester Railway Act, 8 & 9 Vict. c. 93, ss. 17, 18, which authorised the sale of a small portion of the forest to the Company, and provided that the purchase-money to be received by the Commissioners of Woods should be expended with all convenient speed in draining or otherwise improving the said forest or any portions thereof, in such manner as in the judgment of the said Commissioners, the Lord Warden, and two of the verderers for the time being of the said forest may best conduce to the mutual benefit of Her Majesty, her heirs and successors; and the parties entitled to the rights of common over the uninclosed portions of the said forest. It apppears that about 500 acres were drained under the authority of the Commissioners by Mr. Josiah Parkes, but that the operation was by no means successful, owing to the drainage having been executed with inch pipes, which are now more or less choked up with sand, &c. There is still a balance in the hands of the Commissioners, amounting to £. , but Mr. Howard declines to drain more land, because, with the removal of the deer, the interest of the Crown in the pasture of the forest ceased. In answer to a Question (653), he states, " That the purchase-money of this land was to be spent to the mutual advantage of the Crown and the commoners, because at that time the Crown had the right to keep deer in the forest, and therefore, if any of the money were spent in improving the pasture in the forest, it would improve the pasturage for the deer, as well as for the foresters' cattle. When the deer were done away with that mutuality ceased to exist, because any land that was improved after that by drainage would be improved almost exclusively for the benefit of the commoners and to the detriment of the Crown, as the Crown would be deprived (under the Deer Removal Act) of the power to inclose the land that had been drained with tiles."

The paragraphs are again read, and amended.

It is proposed by the Chairman to insert the following paragraph of his original Draft Report, viz.:

" 3. It is clear, however, from the wording of the 3rd clause of the Act of Will. 3 (which has been repeated in the Act of Victoria), that the Legislature contemplated the land so thrown out in common to be an equivalent for the lands inclosed in lieu thereof, and that it should also be fit for the pasturage of cattle; and your Committee are of opinion that it would be just and equitable in all future cases where old inclosures are proposed to be thrown out, in order that other land might be planted in lieu thereof, that the Inclosure Commissioners appointed under the Act of Will. 3, and the Deer Removal Act, should call for a certificate from one or more competent surveyors, with regard to the state of the land to be thrown open, and should satisfy themselves that the pasturage thereon is a sufficient compensation to the commoners, before they authorise the projected inclosure to be made."

On Question, That the said paragraph be inserted—

Contents.	Non-Contents.
Earl of Doncaster.	Duke of Somerset.
Earl of Romney.	Lord Portman.
Earl Nelson.	Lord Stanley of Alderley.
Viscount Eversley.	Lord Northbrook.
Lord Belper.	Lord Fitzwalter.

The numbers being equal, the question is resolved in the negative.

The following words of the Chairman's original Draft Report are agreed to, with an Amendment, viz., "The Committee think the commoners are entitled to some consideration, and that they should not bear the entire loss of the drainage already so badly executed, and that the remaining capital should be expended in improving the drainage. The Act does not confine the expenditure to draining with tiles, and great improvement might be effected by widening the brooks in places where the overflow of the drains in the plantations has damaged the pasturage of the forest, as in the case which Mr. Esdaile informs us he has in vain brought under the consideration of the Commissioners, and which has been also recommended by two verderers in strict compliance with the provisions of the Act."

Paragraphs 8 and 9 of the Chairman's original Draft Report are withdrawn.

The following paragraphs are proposed to be added by the Duke of *Somerset*, viz. :—

"There is some contradiction in the evidence as to the state of the pasturage in the inclosures which have been thrown open, but it is admitted that herbage under trees thickly planted must be of inferior quality, and it is therefore not to be expected that inclosures newly thrown open can be an equivalent for the land taken for planting. No inclosures made under the Act for the deer removal have as yet been thrown open, and consequently this complaint must apply to the Act of William the 3rd.

"It cannot be denied that under the operation of these Acts, the Crown will gradually extend its plantations over the greater part of the forest.

"In proportion as the planting is well done, and the trees thrive under a system of management which is admitted to be excellent, so the forest will gradually be more thickly covered with timber to the detriment of the pasture.

"Under the Act 14 & 15 Vict. only 3,090 acres have as yet been inclosed; if, then, this limited extent of inclosure during the last 16 years has given rise to so much dissatisfaction, the Commissioners will meet with great difficulties in giving effect to the Act, and to the undoubted intentions of the Legislature.

"The interests of the Crown and of the commoners are at variance; and, as was truly observed by the Commissioners who reported on the forests in 1788, and in the following years, there must be a perpetual struggle of conflicting interests, in which no party can improve his own share without hurting that of the other. A mixture of rights is frequently unfavourable to the management of landed property, but this is inevitably the case where interests are diametrically opposed.

"The Committee are of opinion that the only effective remedy for this unsatisfactory state of affairs, will be found in the adoption of the course pursued in regard to other Royal forests.

"This course consists in the appointment of a Commissioner for the purpose of allotting to the Crown certain portions of the forest in fee, freed from all common rights, and leaving the residue to the commoners to deal with in such manner as they may think best."

The same are agreed to with Amendments.

The following words are proposed to be added at the end of the Report by the Lord *Portman*: viz., "It is desirable in the interest of the commoners that the Crown should take all existing inclosures as a portion of the allotment for the rights of the Crown, and that the allotments for the Crown should be made in such portion and situation as may least interfere with the convenience of the resident commoners."

The same is *agreed to*.

The Draft Report is again read, as amended, and *agreed to*. (*Vide* Report.)

Ordered, That the Lord in the Chair do make the said Report to the House.

MINUTES OF EVIDENCE.

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LORDS PRESENT:

Duke of Somerset.	Viscount Eversley.
Earl of Devon.	Lord Portman.
Earl of Doncaster.	Lord Stanley of Alderley.
Earl of Romney.	Lord Belper.
Earl Nelson.	Lord Fitzwalter.

VISCOUNT EVERSLEY, in the Chair.

WILLIAM CLEMENT DRAKE ESDAILE, Esquire, is called in; and Examined, as follows:

W. C. D. Esdaile, Esq.

9th June 1868.

1. *Chairman.*] YOU reside in the New Forest?
Yes.

2. You are also a magistrate for the county of Southampton?
Yes.

3. And also a Commissioner under the Deer Removal Act?
Yes.

4. You are also connected with the New Forest Association?
I have acted as honorary secretary to that association for the last year.

5. Will you explain to the Committee the object of that association?
The object with which that association was formed, was to unite the commoners in some action relative to the proceedings under the Deer Removal Act. There was a petition presented to your Lordships' House last year, upon the presentation of which it was thought better that we should meet together, and form an association, and I was asked to act as honorary secretary.

6. Duke of *Somerset.*] What is the object of the association?
The object of the association is to prevent undue planting in the forest, and to protect the rights of the commoners generally.

7. *Chairman.*] How long have you resided in the forest?
Nearly 17 years.

8. You came there just before the passing of the Deer Removal Act?
I did not know that the Deer Removal Act was before the House at the time I purchased the property.

9. When you purchased the property, did you make any inquiries about the right of commoners?
All that I knew about them was through my solicitor; he considered that there were probably very valuable rights of common attaching to the property. In his view there was some difficulty as to who had and who had not rights of common, and on looking into the title deeds belonging to the property, he said, if anybody had them, he thought it might be very fairly considered that the owner of that property had them.

10. What was the state of the forest at that time with regard to inclosures?

W. C. D. Esdaile, Esq.

9th June 1868.

I knew nothing of it myself at the time I went there; but since that I have ascertained it from documentary evidence, and I think there were at that time 1,000 and odd acres within inclosures, and there were 4,000 and odd acres flung open just about that time.

11. Under what Act of Parliament were those inclosures made?

The 9th and 10th William 3rd, chapter 36, and a Supplementary Act, the 48th of George the 3rd, chapter 72.

12. Do you find any reservation of the rights of commoners in the Act of the 9th and 10th of William the 3rd?

Yes.

13. Will you state what the words of that Act are which have a bearing upon those rights?

The Act gives the power of enclosing 6,000 acres of land, 2,000 of it in one manner, and 4,000 in another, that is under the first section; and it is to be taken as may be best spared from commons and highways of the forest. In the 3rd section there is the power given from time to time to fling open any portion of that 6,000 acres, and to take any like portion for the same object to be a nursery for timber; and in the 9th section there is a reservation to the commoners of their rights of common, turbary, and fuel.

14. Is there anything in that Act about the fence month?

It is upon that 9th section that the question of fence month and winter heyning arises. It is the first time that "fence month" and "winter heyning" are mentioned in any Act of Parliament relating to the New Forest. Previously to that they stood upon what may be called simple forest law, at least that is so with regard to "fence month," that being a restriction attaching to all forests. Winter heyning is not so well known, but it is connected in some way, no doubt, with the unwritten forest law. It became a portion of the statute law relating to the New Forest by this statute.

15. The winter heyning lasted from some day in November to some day in May, did it not?

It is stated in the Act under the old style, from the 11th of November to the 23rd of April. I believe that comes to the same thing as you have mentioned, that being the old style. In alluding to that, and the rights of common reserved in the 9th section, I should like to point out that the Act quoted in Mr. Howard's report, the 20th of Charles the 2nd, chapter 3, as to the Forest of Dean, seems to have been the foundation of all the Acts relative to inclosures in forests. The words of that Act seem to be continued in this Act in the same language, "as can best be spared from the commons and highways," which is not the case with all the forests. In the Act of Charles the 2nd, chapter 20, section 3, those words occur, giving by that section power to the Crown to enclose 11,000 acres of the Forest of Dean, and to take in another 11,000 acres on flinging out 11,000 acres, the whole Forest of Dean being 23,000 acres only. As the case of that forest has been compared with that of the New Forest, I took the trouble the other day to look at the most valuable reports of the Land Revenue Commissioners with regard to the Forest of Dean, and I find that the origin of that legislation proceeded from the commoners themselves of the Forest of Dean, for I saw the printed petition from the foresters of Dean to the Crown, praying them to pass that Act in the words in which it is passed, because it appears that in the reign of Charles the 2nd the forest had been disafforested; it was no forest when that Act was passed, the commoners had lost all their rights, there had been a ruinous grant on the part of Charles the 1st to Sir John Wintour, and the commoners asked for that Act, setting out the terms of the Act in their petition, and the Act was passed upon their petition.

16. *Chairman.*] That applies to the Forest of Dean only?

Yes; that applies to the Forest of Dean only, and in the Act of William the 3rd the same words were used as applying to the New Forest, which was in a perfectly different state, but inasmuch as it applied to 6,000 acres only, out of 66,000, the damage to the commoners was nothing, because it left a sufficient quantity of pasture after that 6,000 acres was taken in, if ever it had been, which it was not till the present century. What I wished to convey to your Lordships is

is that the words in Charles the Second's Act applied to the Forest of Dean very properly, but it was a hardship when they were applied to the New Forest by the Deer Removal Act of 1851.

17. Lord *Portman.*] Will you read the words of the 9 & 10 Will. 3, which reserved the rights of turbary; you said that the Act reserved rights of common, turbary, and fuel, as I understood you?

I meant to say fuel and rights of common of pasture; the words are, "And their said right of common of pasture shall be, and is hereby continued to them in and through such of the said waste ground of the said forest, at such time and times as the same shall not be inclosed as aforesaid, the time of the fence-month (that is to say) 15 days before and 15 days after the feast of St. John the Baptist yearly, and the time of the winter heyning, (that is to say) from the 11th of November to the 23rd of April yearly, excepted, under and subject to the forest laws, in as ample a manner as he or they or any of them might lawfully claim or might have held and enjoyed the same before the making of this Act, saving also unto the several adjacent inhabitants, their ancient right of fuel; provided that such inhabitants do not sell or otherwise dispose of any part thereof, nor that any person or persons presume to receive or take the same in other manner than they ought, nor by reason of any claim or pretence of right."

18. *Chairman.*] Those rights of fuel were allotted to certain residents only?

Yes; I believe the ancient right was to take by hook or by crook; but that got dreadfully abused, and the commoners got allotted to them wood which was good for other purposes than fuel, but of late years it has been managed with great care.

19. That is totally distinct from the right of turbary?

Turbary is a distinct right; some houses have the turbary right, and not the fuel right; almost all the large landowners have got fuel rights; I think Mr. Weld received 300 *l.* for his fuel rights.

20. In the Report of the Commissioners of Land Revenue, is there any mention of the rights of the commoners of the New Forest?

Yes, a great deal. It is a most valuable report, and it goes very carefully and fully into the facts.

21. Lord *Belper.*] What is the date of that Report?

The Fifth Land Revenue Report, 1789.

22. *Chairman.*] In that Report the rights of the commoners were recognised?

Yes, and spoken of at great length.

23. That was also the case, was it not, in the Reports of the Committees of the House of Commons in the years 1848 and 1849?

As far as my reading goes, it has been always a matter of considerable consequence when any inquiry has taken place into forests as to how these common rights should be dealt with, and they are spoken of over and over again by the Crown Commissioners as matters of fact.

24. They have been admitted by the Crown Commissioners?

Yes, continually. I would like to point out to the Committee that the commoners are now in a very different position from what they were in when the Report of 1789 was made. All those rights now are determined, and certain, and registered.

25. Duke of *Somerset.*] Those rights were settled under the Act of 1851?

Yes.

26. Then the Act of 1851 was so far a great benefit by settling what were rights that were before doubtful?

Yes; it was a benefit both to the Crown and to the commoners in that respect. That was one of the things which the commoners had been endeavouring to obtain for some time. As the Act came in from the Office of Woods, it did not contain those clauses; the clauses were afterwards inserted. As the Bill passed the House of Commons, the clauses were not there. I do not know

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exactly myself when they were put in; but, however, they were put in, and under that and subsequent statutes the rights have been decided.

27. *Chairman.*] The power of the Crown to inclose under the Act of 1851 is expressed in the same terms as in the Act of William the 3rd; they are to inclose the land that could be best spared from the commons and highways?

Yes, those words, "best be spared," and so on, occur in all the Acts I have consulted concerning the New Forest; but in some Acts relating to the other forests, they do not occur; for instance, in the Act relating to Woolmer they do not occur. Mr. Howard's Report refers to common rights as being a matter of indulgence, but an old book, which probably many of your Lordships are familiar with, Manwood, sets out two descriptions of commoners, 1st, the inhabitants of a forest, who seem to have derived their rights of common *quà* inhabitants, to whom, as soon as a forest was proclaimed, the king, as some recompense for the hardships that accrued to them, gave the right of common over the waste; and, 2ndly, those who had rights of common appurtenant to their lands, and which no doubt were in existence before the existence of the New Forest. Those two descriptions of commoners are very important to bear in mind, because, when the forest was done away with, the first class would be done away also; but the others claim on account of lands, and when the forest was made a forest, it simply curtailed those rights so far as the forest law was inconsistent with the common law, and when the forest was given up, then those common law rights reverted again in the same way as they were enjoyed before the forest was created.

28. Lord *Portman.*] All those things are settled by the Commissioners under the Act of 1851?

Yes.

29. Then we are going back to history, are we not, instead of dealing with the facts pressing at the present moment?

At the present moment we are all of that second description of commoners, because no commoners were allowed to prove under the Commission of 1851, except those who could prove themselves to be of the second class. We have land to which common right was appurtenant. By the 17 & 18 Vict. it became necessary to prove that you had land, and you could not possibly have a right of common having no land.

30. Duke of *Somerset.*] How many commoners were registered by that Commission?

I think about 900.

31. They were the registered number under the Act of 1851?

Yes.

32. Has the number remained the same?

It is impossible for me to say. If I sold my land in two pieces, which before was one piece, of course we should have another holder.

33. About 900 were interested in the right of common under the examination of the Commission of 1851; I wanted to ascertain whether the number had increased or diminished?

I can only speak with very little authority upon the point; but the land has been subdivided rather than rolled together.

34. Lord *Stanley of Alderley.*] In the case of land being sold, how are those rights apportioned to the new purchaser?

They are apportioned according to the land, because the common rights attach to land for cattle levant and couchant; the meaning of the words levant and couchant being, for such cattle as a man can maintain on his land in the winter time. So if a man has two acres and divides it, he sells each acre with the rights of common in the forest. Then suppose each of the purchasers keeps a cow, they can each turn a cow out, whereas, before, the man owning the two acres could turn two cows out.

35. Supposing

35. Supposing it is so divided that it cannot maintain one cow?
He loses the right altogether.

36. *Chairman.*] Supposing the rights of common to attach to any particular estate, the tenants of that estate enjoy the same rights as the landlord?
Yes; I believe the Commission laid it down (I am speaking from memory) that they would not entertain any claim whatever unless the land was an acre and a half. There were a great many small claims, and a great many wrong claims, and the Commission said, "We will not listen to any claim under an acre and a half, because you cannot keep a cow on anything under an acre and a half.

37. Duke of *Somerset.*] Did that affect other rights besides the right of pasturing cattle; for instance, the right of turbary?
No; turbary is a right entirely attaching to a house.

38. Lord *Portman.*] Is not that a right exercised by license only?
No.

39. Earl of *Romney.*] Must the house be within the forest?
Not necessarily within the forest. Some of your Lordships know that the right of turbary is existent in other parts of England.

40. Lord *Portman.*] I have an indistinct recollection of a license being required for cutting turbary?
There may be a ticket given by the keeper, specifying the locality in which it is to be cut, and the man is bound to take one turf and leave two.

41. Lord *Fitzwalter.*] Are they all old houses that have this right?
Yes; a great many houses lost the right from not being ancient houses.

42. Lord *Stanley of Alderley.*] No new house can acquire the right?
No; but a great many old houses exercise it.

43. Does non user make them lose it?
I think not; in my village many of the men have let their houses fall down, and they have put them up again at the side of the former house, but if it does not cover a piece of the old site the man loses his turbary right; the cottage being on the same garden, but not on the same site, was considered not to give the right.

44. Earl of *Doncaster.*] The person cannot use the turf he cuts for anything except for fuel, can he?
No, nor can he use it off his own premises, at least if he does so he is subject to some unknown penalty; I do not know what it is.

45. Duke of *Somerset.*] Do you know how many persons have rights of turbary?
1,200 odd.

46. Lord *Fitzwalter.*] That is 1,200 houses?
Yes, there are about 900 claimants of common, and about 1,200 houses with turbary rights; I do not know how many there are with fuel rights, and there are 65,000 acres of land having rights of common attached to it.

47. *Chairman.*] That land is not surrounded by the forest, is it?
No, not entirely; out of the 65,000 there are only 26,000 acres within the bounds of the forest in the hands of private people.

48. Lord *Stanley of Alderley.*] What is the fuel which the commoners are entitled to; is it the lopping of trees?
Before I knew the forest, there was an immense abuse upon that matter; there were trees allotted which men built houses with, and so on; and then the Crown took upon themselves to prepare the fuel in what is called cord wood, or fathom wood; the wood was cut up so that it could not be used for anything else than fuel.

49. What was it that the commoners were entitled to originally; was it merely the lop and top of the big trees?
They first had old decayed wood, what they could obtain by hook and by

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crook, old decayed branches of trees; then subsequently they were allowed tops of trees, but that right got into abuse, and whole fir trees were taken.

49.* Duke of *Somerset.*] Do I rightly understand you to say that when you first came into the forest there was a good deal of waste in regard to the taking of timber for fuel?

Before I came into the forest; it was altered before my time.

50. You understand that previously to your going into the New Forest there had been a great deal of waste?

Yes; in fact the reports are full of it.

51. *Chairman.*] Now that the deer are removed, is the fence month still retained?

As we are advised, the fence month and the winter heyning are still in existence legally. The 9th & 10th Will. 3 is the first Act in which, as far as the New Forest goes, the fence month and winter heyning were mentioned, and we are advised that though the Deer Removal Act under the 7th section does not specially reserve the fence month and the winter heyning, yet that owing to its having become a statutable privilege of the Crown, it is necessary to have a statutable determination of it; and therefore, although our rights were reserved by the Act of Will. 3, we were to a certain extent put in a worse position, because, if the Crown had simply disafforested the New Forest, we say the common rights would have reverted, and the fence month and the winter heyning would have fallen with the forest; but inasmuch as it became a statutable provision,if the forest was done away with, unless that part of the statute was repealed, that restriction would remain.

52. Duke of *Somerset.*] Practically, have persons in the neighbourhood not kept cattle in the forest during the winter months?

Practically, the winter heyning is disregarded; to some little extent it is not disregarded; there is a greater fear on the part of the commoners of their cattle being driven in in the winter heyning than there is in the fence month. There is no known instance of the fence month being carried out by the Crown.

53. Have there been any proceedings taken against any person who has turned out cattle in the winter heyning?

Yes, I have seen drifts myself; I understand that there is a fine. In fact, a statute which I ought to refer your Lordships to, was passed in 1819, the 59 Geo. 3, c. 86, to regulate the pasture in the forest; and it is very remarkable that in that Act, while it prevents cattle and ponies from being in the forest in the winter, and so recognises the winter heyning, there is not a word said about the fence month, so that there is a special Act upon that matter.

54. *Chairman.*] Has the pasture of the forest suffered from the absence of the deer during the months of the winter heyning?

I can hardly speak to that myself; a great many witnesses who will be called will be able to speak much better about that than I can; but I hear it said that the absence of the deer and the ponies (the ponies especially) does this. The ponies and the deer being absent, there is a quantity of rough stuff, especially on the edges of the lawns, which the animals in winter, and especially the ponies, used to eat. Formerly the animals used to eat up this rank vegetation, which caused fresh grass to spring up behind it. I know as a fact that that is the result of letting the animals into such land, because where any grass has grown rather rank, I have taken in ponies, so as to clear the ground of that kind of rank vegetation.

55. Duke of *Somerset.*] Did the Act of 1851 affect the ponies?

No, only the deer. I do not wish to be understood to say that the deer alone in the winter months ate up that rank vegetation.

56. Earl *Nelson.*] Have you not noticed, when walking or riding in the New Forest, that latterly, since the Act passed, the gorse is increasing upon us?

There is a certain gorse called "bed furze." There are two sorts of furze, the usual gorse, and a smaller sort of gorse called "bed furze." That is increasing to a very great extent. I find in riding across the New Forest there

are

are not the paths through it that there used to be; that is a matter which I think is getting serious.

57. *Chairman.*] Is there a considerable loss to the commoners in not being able to turn out in the winter months?

Yes, certainly; more especially in the beginning of the winter heyning than in the latter part.

58. Lord *Stanley of Alderley.*] How do you mean that they have been injured by it, if they are allowed to turn them out now?

I say they would be injured by the winter heyning, and the fence month being carried out; they are injured to a certain extent as to the winter heyning, because the commoners are in fear of being driven, and they are actually driven now and then, but the fence month has never injured them. What they complain of is this, that the forest having been as it were virtually disafforested, the two restrictions of the fence month and winter heyning, which applied only to deer, should be claimed by the Crown when the deer are gone, and that we allege, as I think we shall be able to show your Lordships, to be directly contrary to the intention of the Legislature at the time the Act was passed.

59. *Chairman.*] What has been the extent of the inclosures since you came to reside in the New Forest?

According to a return made on the motion of your Lordship and Earl Nelson, the enclosures under William the Third's Act, at the time I came to live in the forest, were 1,772 acres inside the absolute railings, and 4,051 just ready to be flung out, and which were flung out in the spring of 1851. Therefore, 4,000 acres were claimed by the Crown to be taken in under the Act of William the Third; that was at the time the Deer Removal Act was passed. The commoners, under William the Third's Act, never felt the difficulty we are beginning to feel so very much now; because, as I mentioned just now, the power of the Crown was a 6,000-acre power, and it was exercised in so extremely different a way under the Act of William the Third from the way in which it is being exercised since 1851. I do not for a moment cast any reflection upon the Office of the Woods and Forests, because the plantations are admirably managed, and I believe they have been doing everything they are allowed to do by the Act; but what we say is this, that under the old Act the course of proceeding was so exceedingly different. Mr. Milne, in the Report of 1849, which I will presently refer to more particularly, gives a complete sketch of what had taken place since the passing of the Act, by which it appeared that up to 1808 the 6,000 acres had never been completely taken in, and the inclosures taken in were so different in point of acreage, there being 150 or 300 acres taken here and there in different parts of the forest, so that no pinch was felt therefore by the commoners. When the Deer Removal Act was passed they could not possibly see the result of it.

60. Lord *Portman.*] You say everything has been done by the Crown that they are allowed to do by the Act; you would make some reservation as to the quantity of acres the Crown have taken, would you not; they had a right to inclose more acres than they have inclosed?

Yes, but they could not get plants enough to do it, or labour enough to carry it out. I do not say that they are unduly pressing the Act of 1851, but I say they are doing everything they may do, and I acknowledge they are doing it rightly; but we say that this Act, rightly and strictly carried out, works hardship to the commoners.

61. Lord *Stanley of Alderley.*] From what you say it would appear that the Crown has not exercised its full rights; you say that they do not carry the Act out to the full extent?

They might in one year inclose 16,000 acres, but practically that would be impossible; it would cost so much money to buy plants and get the labour.

62. As far as the exercise of the rights goes, they are not exercising them to the full extent they are empowered to do?

I cannot say that, because time is not the essence of the Act; they are exercising their power by degrees, inclosing 1,000 acres one year, and 1,500 another; they are exercising a discretion in the matter; they may take in the

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whole if they like. I believe they are exercising their powers with great propriety.

63. Lord *Portman.*] They have only exercised their powers under the Act of 1851 to the extent of 3,090 acres?

Yes; and they inclosed 4,000 and odd under William the Third's Act; they could not exercise all their power in one year. I think they have inclosed altogether something like 8,000 acres since the Deer Removal Act.

64. *Chairman.*] Do the commoners complain so much of the number of acres enclosed as of the position of the inclosures?

No, they are not complaining specially of the number of acres inclosed; we do not point to a diminution of the 10,000 acres, but we ask this: that in giving the 10,000 acres to the Crown, and a power to take another 10,000 acres, there should be a return to the commoners in the way of pasture from the inclosures. We are not complaining so much of the quantity, but we are complaining of the way in which the Act works.

65. Lord *Stanley of Alderley.*] How can the commoners complain of any diminution of common rights if the Crown only take that which they have a right to take?

Their complaint is this: seeing the result of the lately made inclosures, they see what the results must be of the entire carrying out of the Act of 1851, and if they do not complain now, and wait till the whole is done, they think that they will be too late; they think it would be better that your Lordships or Parliament should consider the matter at this moment with reference to what should be done.

66. Lord *Portman.*] The plain English of it is, that now the commoners begin to think that they made a bad bargain in 1851?

Quite so, if it can be called a bargain on the part of the commoners.

67. They desire now to open the bargain again?

If it is to be called a bargain, I should say, yes.

68. Lord *Stanley of Alderley.*] You do not call it a right?

I say this: the body of commoners, taking the poorer and smaller men, who are the body coming now before your Lordships, complain of the operation of the Deer Removal Act, and they say that they had very little control over it at the time it was passed; the opposition to it was managed by a certain number of landowners, who, as I may say, kindly took up the case, but the petitions against the Act only had five signatures to them. There were large petitions came in when too late; they did not know what was going on.

69. Duke of *Somerset.*] Did I rightly understand you to say that 4,000 acres had just been thrown open in the year 1851?

Some time in the spring of 1851.

70. In what state was that land when thrown open?

Speaking of the part near me, I know well that it was a perfect covert, as good a covert to find a fox in as any in the forest, and one or two of them were remarkably good coverts for game.

71. That would not have been under the Act of 1851, but under previous Acts?

Yes.

72. Therefore under the previous Acts the commoners would have suffered to a considerable extent?

In the 6,000 acres we should have suffered just as much as we have under the Deer Removal Act.

73. As far as the 6,000 acres go, you would have suffered under the previous Act what you say you have suffered under the Act of 1851?

Yes.

74. Earl of *Doncaster.*] When an inclosure is thrown out, there is nothing in it available in the way of pasturage?

No.

75. *Chairman.*]

75. *Chairman.*] You complain that the old inclosed land, which has been flung open, is not in a fit state for the pasturage of the commoners?
Yes.

76. And, therefore, is not in the same condition, as far as the commoners are concerned, as if it had remained uninclosed?
Yes. I was not aware till within a week or so, that the extent of the loss of cattle is considerable from their dropping into the drains; it was suggested that such must be the case, but I was not aware myself that it had been the case to the extent it has.

77. Duke of *Somerset.*] You would not recommend plantations to be made for the Crown, that is for the public, without having the land drained, would you?
Certainly not.

78. And you would not recommend covered drains among woods?
Certainly not.

79. Therefore the course pursued is essential, if there are to be large plantations made?
I think so.

80. Lord *Stanley of Alderley.*] Then upon what ground have the commoners any right to complain of the management of the forest, which it appears is managed for the advantage of the Crown, and for the improvement of the trees?
Supposing this legislation of 1851 had been in the case of a private individual; that any large landed proprietor was joint owner of this estate with a large body of people, many of them very small freeholders, if he had endeavoured to carry out legislation, which in the end must swamp the property of the owners of one-half of the forest, I do not think that any large landed proprietor would have had influence enough to have carried a Bill of that sort, to have improved his own property at the expense of the other half owner.

81. Do you consider that the commoners have a joint right with the Crown in the forest; that their rights are more than the right to derive some benefit from the herbage which is not occupied by the forest?
Yes; I have been led to buy my estate upon the strength of knowing that former Commissioners, holding the same position as Mr. Howard, and former Crown surveyors, one after another, have given their opinion that the Crown interests are only the feed of the deer and the timber, which interest does not amount to more than half of the forest; and that if the forest was divided, the Crown would have half, that is putting it at the least; some say two-thirds, but at all events that a half would belong to the commoners, and a half would belong to the Crown. I think I was justified then, and I should be now, if I was buying more property, in assuming that I was a sharer with the Crown of a half of the property.

82. Duke of *Somerset.*] In your judgment, you being well acquainted with the forest, seeing the inconvenience which in your view arises from this mode of inclosure which is necessary if trees are to be grown; looking to the right of turbary, which you say is destructive of the soil of the forest; and looking also to the fact that joint ownership is as you say always objectionable, would it not be better upon the whole that an Act should be passed for the Crown to take a portion, and the commoners to take a portion in fee, rather than to keep continually this joint ownership?
May I, before I answer that question, say, that your Lordship has misapprehended me in understanding me as saying that joint ownership always was objectionable; I merely said that this was a case of joint ownership as a fact, but I have no hesitation in giving it as my own private opinion (not wishing to be understood as, in so doing, representing the views of the association), that it would be better to have a separation between the rights of the Crown and the rights of the commoners, than that the present state of things should continue; but then I go further, and say, from looking into past legislation with regard to commons, I believe it would be most practicable, and extremely good

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legislation, to preserve the forest in the way it is, the commoners being limited, as we are expressly by award under the Commission, if we could also limit the rights of the Crown, so that the Crown rights and the commoners should be clearly ascertained.

83. *Chairman.*] You would limit the Crown to planting 6,000 acres?

I would not limit the Crown to anything; I would have the Crown's interest laid down in the same way by legislation as Mr. Milne, and Mr. Kennedy, and others have laid it down. We find Mr. Howard advancing a claim on the part of the Crown that we have not heard of for years.

84. Lord *Stanley of Alderley.*] In a sale of property, what is the estimate that is generally made of the value of the rights of the commoners in the forest?

That is a difficult question to answer. I had a letter this morning from a man offering to sell me about an acre of land which happens to lie amongst some other land I have, and he wants at the rate of about 100 *l.* an acre for it, and he will get it, I believe; the land, for ordinary cultivation, is not worth more than 50 *l.* I cannot buy small pieces of two acres and three acres at anything like an investment price, because such pieces sell so readily on account of the rights attached to them.

85. Duke of *Somerset.*] Even with those rights so dreadfully infringed by the Crown, the commoners can still sell pieces of land for that large value?

The small commoners.

86. Lord *Stanley of Alderley.*] Does that apply only to small commoners, or would it apply to large commoners?

It would be difficult to answer; it has been proposed to send down a land agent, Mr. Oakley, who would be able to answer those questions, but unfortunately he was not able to give the necessary time to it, but we hope to be able to produce a witness to speak to those questions.

87. You can hardly infer the value of those rights from the purchase-money required for very small properties?

No; I speak not knowing much of England, generally, intimately; but the population one meets with in the forest is a class of population I never met with anywhere else; they are small holders up to five acres, and land sells so readily, that any man who had 1,000 acres would find that it would be the best way for him to split it up into small holdings. The possession of the privilege of turning out a cow or a pig raises our population above the ordinary population. We have got 1,000, and more, not far from me, who, if it were not for those rights, would be simply labouring men, and would come at last to the usual end of a great many of them. Distress is almost unknown among them, because they are raised above the ordinary labouring man by the possession of this privilege of turning out. For their land and for their houses they pay a high price or a high rent, but if those men are destroyed, which must necessarily be the result in a few years, you destroy a body of men unique in England—a well-to-do labouring population.

88. Lord *Portman.*] Are you aware that great difficulties at one time were found when it was suggested that an allotment might be made to the Crown, and the rest of the forest allotted to the commoners, because the demands of rights of common were so immense that it really would have taken something like three forests to find acreage enough to meet the demands?

I have heard that, and I think that arose in this way. Your Lordship was on the Commission, and from reading the proceedings of that Commission I find that you felt that you were very little armed; that you had not power sufficient to do that good which you wished. Upon that Commission calling upon people to send in claims, I understand claims were sent in by wholesale.

89. *Chairman.*] I see by the map a great number of inclosures massed together, some being inclosures actually made, and others being inclosures proposed to be made; practically, that, I presume, would affect all those commoners, who, having lands near the inclosures, would be obliged to drive their cattle a long way from their own homes?

Yes; that is one of the things we are feeling every day.

90. That is one of the practical grievances of the commoners?

Yes. I used the term just now of "joint owners," which, I think, struck one of your Lordships as being too strong a term to use, but I took that phraseology from the Sixth Report of the Crown Commissioners: where the Commissioners say, "It is obviously repugnant to every idea of justice and good policy that the rights of one party in any joint property should be sacrificed to those of another." That was speaking of the rights of common.

91. Duke of *Somerset.*] Do you think that joint ownership of landed property is favourable to the good management of the property?

No.

92. In almost all cases it is desirable to do away with joint ownership?

Yes; I speak with a limited knowledge upon the subject, but that is my opinion.

93. *Chairman.*] When the railway was made from Southampton to Dorchester, a portion of the land of the forest was sold by the Crown to the railway company?

It was.

94. Will you state what the arrangement was with reference to the money for which that land was sold?

The arrangement was under the Southampton and Dorchester Railway Act, the 8 & 9 Vict. c. 93, s. 17 & 18, the words of which are as follows: "And whereas the Queen's Most Excellent Majesty, in right of Her Crown, is or claims to be seised of or entitled to a certain forest or tract of land called the New Forest, in the county of Southampton, and all timber, timber-like, and other trees, standing or being thereupon, subject to certain rights of common, of pasture and turbary claimed by certain of Her Majesty's subjects, in and over the uninclosed portions of such forest." And then it goes on to say, "That the Commissioners shall have power to sell such land as may be wanted by the company, and such sum of money so paid, as aforesaid, shall be laid out and expended with all convenient speed by the said Commissioners in draining or otherwise improving the said forest, or any portions thereof, in such manner as in the judgment of the said Commissioners, the Lord Warden, and any two of the verderers for the time being of the said forest, may best conduce to the mutual benefit of Her Majesty, Her heirs and successors, and the parties entitled to rights of common over the uninclosed portions of the said forest." That has been kept as a separate account since, and drainage to some extent has been carried out. That is one of the things we shall have to mention to your Lordships, with respect to which we ask that some recommendation should be made by your Lordships as to how it shall be carried on for the future. I understand that 12,000 *l.* was paid, and there is about 6,000*l.* in hand at this moment unexpended.

95. Duke of *Somerset.*] The money has been expended in draining open parts of the forest?

In draining open parts of the forest.

96. Has it been expended in anything else?

I think the printed accounts show that there are bridges repaired; it is supposed to be applied to everything connected with draining. In one of the accounts I have seen an item for repairing the bridge at Brockenhurst.

97. None of it has been expended in roads?

I do not find anything expended in roads in the accounts at all.

98. *Chairman.*] There is still a large balance to be expended in draining?

There is a large balance; I cannot say more than that. As we are upon that point I would call your Lordships' attention to the fact that Mr. Milne, in the report of 1848, makes what seems to me a very important statement. He says, "Sales of forest land ought to be treated on the same principle as the sale of forest land to the railway company, and the Crown and commoners are equally interested in such money;" and other witnesses treat the sale of the wastes in the same way. That is still, as I hope, fortifying what I suggest to the Committee, that the commoners are in the position of joint owners of this estate. Mr. Milne and Mr. Kennedy always treated us so; they conceding that where forest land was sold, over which the Crown had the right of deer-feed and timber,

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timber, half of the proceeds should be expended for the benefit of the commoners.

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99. Duke of *Somerset.*] Your idea of joint ownership is that the commoners are entitled to one half, and the Crown to the other?

Yes, I take that from Mr. Milne.

100. *Chairman.*] Mr. Milne being one of the Commissioners of Woods and Forests?

Yes; Mr. Clutton has also stated the same.

101. Lord *Stanley of Alderley.*] Would that rule apply equally, supposing the Crown let any land to anybody for building?

That would be against the statute; there is a special statute against it.

102. *Chairman.*] You wish that the drainage should be thoroughly carried out?

Yes, I wish that arrangement under the Southampton and Dorchester Act to be thoroughly carried out.

103. Has there been any application for the drainage of any land lately.

One of the things we find as the result of the drainage of the inclosures is this, that it sends down, as a matter of course, a vast quantity of water on the low grounds, and it is very difficult for the Crown to keep the water-courses clear. For instance, there is one fine lawn, which I know your Lordship knows, Burley Lawn, which is one of the best pieces of pasture almost in the forest. The inhabitants of Burley petitioned the verderers at their last meeting to assent to the expenditure of some of this drainage money on Burley Lawn, the fact being that they have never had any drainage money expended on them. The verderers sent up this memorial to the office, suggesting that, in their opinion, that was a proper piece of ground to drain. The verderers are one of the trustees and the Woods and Forests is the other trustee. What Mr. Howard said amounted to nothing, because as these proceedings were going on, it could hardly be expected that any steps would be taken by Mr. Howard till they were over, and he merely said that at present they could not grant the memorial, but that they would bear it in mind; it was a simple acknowledgment of the receipt.

104. Lord *Portman.*] The drainage was managed by Mr. Parkes, was it not?

Yes.

105. Is it a successful drainage?

I do not think so. I consider that the greater part of it is wasted money. I am only speaking individually.

106. *Chairman.*] Will you sum up the complaints of the commoners, and state what remedies you propose?

I tried to write out, as your Lordship is aware, and sent to you as Chairman of the Committee, what our complaints were, as far as I could make them out. Our first complaint is this, that any forest laws connected with deer or the right of chase, should remain in force after the Deer Removal Act, contrary, as we believe, to the intention of the Legislature, and contrary to the express evidence given as to what the result of that legislation would be. I think it is important, especially with Mr. Howard's report before us, to call your Lordship's attention to this. I examined the journals of the House, perfectly ignorant, till a week ago, as to the exact proceedings which took place on the passing of the Deer Removal Act, and I found that no witnesses were examined at all on the part of the body of commoners, but that Mr. Cumberbatch and Mr. Gardiner were examined, Mr. Gardiner being examined as to what the result would be after the Bill was passed into law. Mr. Gardiner is the solicitor to the Woods and Forests, and therefore he speaks with authority. He is asked, "In the case of the New Forest, which is now before us, you do not leave that part which is left uninclosed in the same situation that you left those 800 acres in Alice Holt?" Alice Holt was, I believe, left entirely clear from all rights of the Crown. He says, "Certainly not. I retain the right of soil, which would give the Crown, I suppose, 1-14th or 1-16th—2-32nds it had before; it is the mere manorial or seignorial right of soil the Crown would have; no other forestal right as regards the forest;

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forest; it is completely destroyed. The Crown would then be entitled simply, as a lord of the manor, to take its allotment in respect of its right of soil, which would be 1-14th or 1-16th, about what the lord generally takes." I do not read the evidence straight through, but what I omit has no material bearing upon the question. He is asked, "Is it not the fact that under the 7th section you propose to reserve the Crown's rights upon the residue which shall be left?" and he says, "The Crown's rights are very clearly defined upon the residue." (This applies to the first complaint of the commoners about the fence month and winter heyning.) "The Crown rights are very clearly defined upon the residue; its right of soil, as lord of the manor, equivalent to that, the forestal right will be gone; the Crown will have its right of soil and right of timber." He is asked again, "You say that the Crown would be dispossessed of all its forestal rights over the rest?" and he answers, "Yes, that is as to the deer and the rights of chase.

107. Duke of *Somerset.*] This applies to the winter heyning and the fence month?

Yes.

108. You say that the fence month is not enforced?

It is not enforced, but it is claimed. We had not the least idea that the winter heyning and the fence month were retained after the Deer Removal Act passed. It was a perfect surprise.

109. Lord *Stanley of Alderley.*] I thought you stated that the winter heyning was exercised contrary to any right really possessed by the Crown?

The right of winter heyning and the right of fence month are rights acquired by making the forest. Whilst the forest was a forest the common law right of common was curtailed to that extent; and as soon as the forest was gone, in common law those rights would be gone too; but inasmuch as they have been made statutable by the Act of William the Third, it requires express statutable words to take away the right.

110. Lord *Belper.*] That portion of the statute ought, you think, to have been repealed in the Deer Removal Act?

That, we thought, was repealed, but we understand now that it is not repealed. Upon that point of fence month, certainly, I never was more astonished than when I saw the first notice which was posted. The moment the Act was passed Mr. Kennedy issued a hand-bill which was stuck about the hamlets in the forest, that as the restrictions of the fence month and the winter heyning were preserved under the Act of William the Third, and the Act of George the Third, and were not referred to in the Deer Removal Act, he intended to put them in force. We never had them in force whilst it was a forest, but as soon as the forest was disafforested we received intimation that the winter heyning and the fence month were going to be put in force, but they were not put in force even then.

111. *Chairman.*] Your first complaint is, that those restrictions still exist, and you wish them to be removed by legislation.

That is so. As I have mentioned that matter of Mr. Kennedy's notice throughout the forest, I may refer to some observations made by Mr. Phinn, who was counsel to the Crown before the Commissioners, at Lyndhurst, instructed by Mr. Gardiner, after the passing of this Act of 1851. We had always supposed, at least speaking for myself, I had always supposed that the rights of forest as connected with deer had fallen with the deer; but these were the words that Mr. Phinn used (I believe, by the way, that Mr. Phinn, who was an old friend of mine, had something to do with drawing the Act), with regard to the forest:—"Sir, I apprehend the right of the Crown as regards the forest is this: it is still a forest; it is still governed by forestal laws; Her Majesty is not, as has been erroneously supposed, in the ordinary position of lord of the manor; she retains Her forestal rights, and she might to-morrow, though I do not mean to say it is a possible contingency, nor a probable one, but I put it as distinguishing the forestal from the manorial right; she might to-morrow stock the forest with any other beasts than deer; I do not suppose we shall have wolves or bears, for those are described as beasts of the forest in Manwood; though it is a right not likely to be exercised, still the right as an abstract right remains." When I drew that to the attention of the gentleman who has been helping us with regard to this matter, he said, That is an important

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important thing; you should see the Bill as it came from the House of Commons, and I accordingly got the Bill as it came from the House of Commons, and there I find the words in the Preamble are: That in compensation for the right of keeping deer and "other beasts of chase," such-and-such things. In the subsequent stages the words "other beasts of chase" are gone, and this other alteration occurs, viz., the insertion of the power to Her Majesty to give licenses to shoot; how it found its way into the Bill I cannot say; and then the Bill having been passed in that different form we find a claim on the part of the Crown that it still had forest rights remaining, and that its claim was not only as lord of the manor. I really think that was almost a breach of faith on the part of some one or other; I do not know who.

112. Lord *Stanley of Alderley.*] Do you dispute the right of the Crown to grant licenses to shoot?

No, that was settled in the Deer Removal Act.

113. Earl of *Romney.*] After it passed the Commons?

Yes; there was no such section in it originally.

114. Duke of *Somerset.*] It must have been put in, in the House of Lords, therefore?

It came out, at all events, in the Act afterwards.

115. If not in when it left the House of Commons, it must have been put in in the House of Lords?

Yes; we are not the first who have moved in the direction of disturbing this Act. In 1866, the Crown, in the middle of an Act which referred to the foreshores of Scotland, repealed Section 9 of the Deer Removal Act, and took power to lease the shooting of the forest. I find that the Deer Removal Act, as it affected private interests, had every notice in the "Gazette" that is usual, but there was no notice whatever given of that power proposed to be taken by the Act of 1866, and it was only by accident that a gentleman said to me, "You are going to have all your shooting let." Then we petitioned the House of Lords, and no sooner did we do so, than a Select Committee was appointed, and the clauses were struck out. At the same time, a clause was inserted giving power to the Commissioners of Woods and Forests to license instead of Her Majesty, and after great contention, the words "for money consideration" were struck out of the clause, but they have let shootings for money considerations since.

116. Duke of *Somerset.*] Is it a grievance that there should be some restriction on the right of shooting?

No, not the least.

117. Then is the license what you object to?

No, I am not objecting to licenses at all; I am merely making use of it to this extent. If it is urged that we are wishing to disturb existing legislation, we say that one section of existing legislation has been, at the desire of the Crown, changed; we are asking you to recommend another change in the Act that we as commoners desire.

118. Lord *Stanley of Alderley.*] Do you mean that the change is giving a license to shoot; do you consider that that is a new power given to the Crown?

I consider that the clause giving the Crown the leasing of the whole forest-shooting was a new power, because it was directly contrary to an Act of Parliament, and raising a new claim on the part of the Crown which had been expressly, on the part of the Crown, given up; their officers declaring that the Crown had no right but the rights of soil, and timber, and deer. Notwithstanding what Mr. Milne had said, that the Crown had only the right of deer and timber, they got it all cut and dried to let the shooting at 2,000 *l.* a year.

119. As I understand you, the Crown gave up the right to let the shooting; to whom then did it belong?

To the Crown. We opposed the leasing, amongst other reasons, because it would be very inconvenient with this joint ownership to have some stranger coming down with the right of shooting; we opposed it upon that ground, and also because, having given up a considerable portion of our rights under the Deer Removal

Removal Act, as we supposed we then found a claim, amounting in pecuniary value to 2,000 *l.* a year, being urged on the part of the Crown. *W. C. D. Esdaile Esq.* 9th June 1868.

120. Duke of *Somerset.*] The licenses are given to gentlemen who have property in the neighbourhood?
They used to be.

121. Are not they now?
No.

122. Lord *Stanley of Alderley.*] To whom does the Crown give licenses to shoot?
To any one who chooses to pay 20 *l.*; the Crown has a perfect right to issue those licenses; I might grumble about that in private conversation, but I do not complain of it as a commoner.

123. *Chairman.*] That is not one of your complaints?
No.

124. You complain, as I understand, of the winter heyning, and the fence month, and the remedy you propose is, that legislation should take place to get rid of them?
Yes.

125. What other complaint is there on the part of the commoners?
The next complaint is, the one we have been talking of, as to inclosures. We complain that the extent of the inclosures, and the mode of making them for the growth of timber, as claimed by the Crown, under the Acts, must operate as a total confiscation of our property in the forest.

126. Duke of *Somerset.*] Have not the gentlemen in the neighbourhood a voice in settling the inclosures?
It is done through the commissioners, of whom I am one; but since I have been a commissioner, no inclosures have been made.

127. Practically, who are the people who, when an inclosure is proposed to be made, agree to it?
Practically, it is the office of the Woods and Forests.

28. The gentlemen in the neighbourhood being parties to it?
Yes, they are parties to it, but one of the points I was going to allude to presently, is that we complain of the way in which the commission works.

129. *Chairman.*] You complain that the mode of making inclosures amounts, as you say, to a confiscation of your property, will you state in what way?
Because in the first place we find that the Crown claims the power of taking the acreage over which they have the power of planting *ad infinitum*; they say when we take 6,000, we may take 6,000 more, when we take 6,000 more we may take 6,000 more, and so on *ad infinitum*; and then the Deer Removal Act is a simple amplification of that power by adding 10,000 acres; therefore the position of the Crown, as it is claimed (I put in those words advisedly), is that they have 16,000 acres to take in and to fling out as often as they please; I do not think that we should have the slightest difficulty in proving to your Lordships that that must end in total confiscation, because the whole extent of the property is 66,000 acres, out of which there is ample evidence that 30,000 acres is barely good enough for the planting of fir, but judging from parts of Dorsetshire, I think there are few parts of the forest that will not pay to plant with Scotch fir to be used as props. However, 30,000 acres are spoken of over and over again as very poor land, and 30,000 acres as being very decent land, and the carrying out of the inclosure of 16,000 acres, as is claimed by the Crown, must result in the entire planting of the forest; instead of being what it is now, it must be an immense woodland.

130. Inasmuch as they must throw out land equal in quantity to that taken in; would that injury take place to the commoners if the land thrown out was thrown out in a proper state for pasture?
I do not know whether I have divided my evidence to make myself clear, but having stated the complaints, I will afterwards, categorically, with your Lordships' permission, suggest what we humbly ask your Lordships to recommend

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mend in the way of legislation; then the second ground of our complaint against the claim of the Crown in respect of inclosures is, that land once planted as it is now, thickly, with an enormous quantity of Scotch fir, which I believe to be perfectly right (and I take great pleasure in seeing those plantations), is utterly destroyed for pasture and utterly destroyed for turbary. I only mention turbary for this reason, because as long as that right exists (which is a very questionable right as far as expediency goes), it has a money value, and no one ought to be robbed of it. As to the effect of planting, I would refer to what was said in the Report of 1849, by a gentleman your Lordships may remember, Mr. Machen, who was deputy surveyor of the Dean Forest. At Question 2520, he is asked: "Has not the effect of those inclosures been that the rights of the commoners have become of scarcely any value?" He says, "Yes, I should say that they were of so little value to those who have the legal right, that nine-tenths of them do not exercise it." Question 2524, "The right of common is of very little value in the open inclosures, because no grass grows in them." Question 2528: "The effect of the exercise of that right, that is, inclosure by the Crown, has been to deprive the commoners of their rights of common, and to improve the property of the Crown." At page 215, "Messrs. Clutton (Crown surveyors)," say, "The Crown would be wrong to accede to any inclosure; you get it all now. That is the result in the Forest of Dean; what is flung open is useless, and the commoners have lost their rights; that is to say, they have not lost their rights, but they have lost the practical value of them.

131. Lord *Portman.*] All that has been settled by another Act of Parliament?

I was not aware of it. Then the third way in which the making of inclosures under the Acts works us injustice is, that in the making of the inclosures as they are made now, the drainage of the inclosures makes it very dangerous to the cattle. I am not sure that open drains will be so dangerous, except when they are what we call blind; and those drains are so overgrown with brambles, that I know myself, practically, you cannot see the drain when walking along; that has been the cause of the loss of cattle I have heard of. This is what I would suggest to the Committee as the just way of meeting the grievances which I have endeavoured to state, viz., that they should recommend a Declaratory Act to meet the case of the commoners. In the first place to meet the hardship of the winter heyning and the fence month, the remedy would simply be provided by a clause, declaring, as stated by Mr. Gardiner, that the intention of the Legislature was that those restrictions should not be retained.

132. Duke of *Somerset.*] You ask that the Crown having this right should give it up?

Having got this right, as I say, without the intention of the Legislature to give it, Mr. Gardiner's evidence is complete upon that point. We ask for a Declaratory Act upon the Act of 1851, as the 48th of George the 3rd, c. 72, was a Declaratory Act upon the Act of William the 3rd. Under the Act of William the 3rd, time was an essence of making the plantations. They were to inclose 2,000 acres in four years, and 4,000 acres were to be inclosed in 20 years. They did not carry that out, they did not keep to their time (to the advantage of the commoners), but they made certain illegal inclosures, inasmuch as they were not made in accordance with the Act; and accordingly the 48th of George the 3rd was passed as a Declaratory Act, to remedy that state of things. I submit, therefore, that the Declaratory Act which we suggest, is not an unreasonable proposal. Then, with regard to the inclosures, we ask that by the means of the same Declaratory Act, a modification should be made of the provisions of the Deer Removal Act now in force about inclosures. We know that we are under the powers of that Act; we are *in misericordiam*, as it were, and we put this as a sort of alternative, either that some diminution of the acreage over which the power of inclosure should extend should take place, or else that keeping up the acreage given by the Act to the Crown, viz., 10,000 acres, and keeping up the principle of the continual growth of timber for the use of the country, the whole or any portion of that acreage should be flung open for the use of the commoners when cleared of timber and rendered fit for the pasturage of cattle. That would give us to a great extent the pasturage we had

had before, though not to the full extent, and it would keep up the principle of a rolling power over 10,000 acres, so as to keep up a supply of timber for the use of the navy.

133. Lord *Fitzwalter*.] The oak plantations would require to be kept a long time inclosed for the oak to be of any use?

A great portion of the money spent in planting oak in the New Forest must be a dead loss to the country. I think 50,000 *l.* has been spent lately in planting timber. I believe a great portion of that will be a dead loss. Firs will repay the expense of planting, but the money spent on the oak planting has been flung away, to a great extent.

134. Lord *Portman*.] You cannot throw out a large plantation fit for pasturage without a very large expense; where is the money to be found to pay for that expense?

The mere cutting of the trees, and the levelling of the drains, is all I mean.

135. That would be an extra charge to the Crown, would it not?

No.

136. You would have to get rid of the short furze, would you not?

No, there is no short furze in the inclosures.

137. You say that those inclosures, when they are thrown out, are unfit for pasturage?

They are unfit for pasturage, because they are covered with thorn and bramble, and vegetation of that description, which makes a cover for game, so totally covered with it that they are unfit for pasturage until the timber is cleared away. Presuming the winter heyning to be done away with, that sort of vegetation would then disappear in a short time.

138. The blackthorn would not, would they?

No.

139. Lord *Stanley of Alderley*.] Would you propose that the land so cleared should, for the future, remain so cleared, and not be planted again?

No, it would come round in its turn. Some portions of the forest would be improved by planting larch. I know that in Somersetshire on poor soil, larch is grown with immense profit.

140. Earl of *Romney*.] Under larch and under fir there is not much of this rough stuff, is there?

There would be more under fir than under larch. Larch is the best thing to plant, having in view the future dealing with the soil. Another suggestion I would make is this: there being doubts upon the terms of the Act as to the power of taking in *ad infinitum*, there might be a clause inserted in this Declaratory Act that it should only go twice. That would prevent the whole of the land being swamped. Of course my mind is biassed, but we feel that we have really a claim at your hands in this respect. Nobody can say that the power, as it now stands, will not destroy the whole property, and if that is true, which I fearlessly say nobody can deny, I think we come before you with some degree of justice to ask to be relieved from that. You can relieve us in these two ways. I think that the second one would be most expedient for the Crown, because under that the rolling power would continue; but we ask you, at all events, to declare (what is now doubtful) whether the Crown, by the Act of William the 3rd, are entitled to take 6,000 acres twice, and then that the power should end, or to take the 6,000 acres for ever. If you would declare that twice would be a sufficient extent of exercise of the power to recompense the Crown for the loss of the deer, that would be a boon to the commoners.

141. Lord *Portman*.] What compensation are you prepared to give to the Crown for those concessions?

None at all. I should be acting most improperly if I were to come and try to persuade you to do anything which we cannot, as we think, claim, from our unhappy position at this moment. We are asking you to save us from having our property destroyed, and we do not propose that compensation should be given for doing what we say is justice.

142. Lord *Stanley of Alderley*.] Do you say that those grievances have arisen in consequence of the removal of the deer?

In consequence of the operation of the Deer Removal Act.

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143. Duke of *Somerset.*] You said that notwithstanding all those grievances and injuries, small pieces of land, in the forest or adjoining it, were selling at enormous prices?

I say that they sell at greatly advanced prices.

144. Lord *Stanley of Alderley.*] In consequence of the beneficial rights which they enjoy?

In consequence of the beneficial rights which they enjoy. Those, of course, would be destroyed the moment a particular place was shut out. In the neighbourhood where I live, Burley Lawn, affords a turn out; but there are places which are very much shut out from the forest where already it is beginning to tell. As a commissioner, if I were persuaded that the Crown had the right of rolling over *ad infinitum*, nothing in the way of hardship which the commoners might bring forward would prevent my setting out an inclosure. The words of the Act are, "can best be spared." We have taken legal opinion upon the meaning of those words, "can best be spared," and we are told that the meaning of them is, "for the time." The commissioners not being the judges of that, they must go on inclosing.

145. Duke of *Somerset.*] The Act of 1851, of which you complain, appoints commissions to agree to the inclosures. The commission is issued by Her Majesty, and it is provided that upon each of such commissions, two persons at least shall be justices of the peace for the county, and they shall not be officers of the forest, so that they are independent of the Crown's interest; has it happened in respect to any of those inclosures that the independent commissioners so appointed have remonstrated against the inclosures?

I believe they have the right, but I am unable to answer the question to former times. I can give you an answer, I am afraid longer than a categorical answer. When I came to live at Burley there was a large inclosure of 800 acres called Oakley, made under the commission. Though I live in the forest and mix more or less with the gentlemen about, I never heard of the proposition to make that inclosure of 800 acres till it was settled, and the fences were being put up; that was so close to me that the fences of my property were not above half a gun-shot from it. Again, much later, I was out hunting, and a man said, "Do you know that you are going to have an inclosure right across there?" I said "No." He said, "I heard of it at Lyndhurst yesterday." In one of those cases the inclosure was made; in the other it was not made. I remonstrated about the one where it was not made, and it was put off. In the other the inclosure was made; but I have no doubt it would have been put off if remonstrance had been made.

146. Two justices of the peace for the county, not connected with the Crown, must have agreed to it?

Yes; but the way it is managed is this: A meeting of the commissioners is summoned; the notice merely stating that the committee will meet upon such and such a day, there being no other notice. No maps are sent, and there is no suggestion as to what is going to be proposed. The Office of Woods, at the meeting, put maps upon the table. These maps do not show former inclosures, but on the maps there are spots coloured brown, and they say, "We propose these other inclosures." That is the way the inclosures have been conducted up to last year. As far as I can see, no inclosure was modified as so proposed by the Crown, unless there were complaints made by somebody, and it was impossible that such complaints could be made except by accident, because no publicity was given to what was proposed to be done. We proposed last year that there should be notice given in the public newspapers of what they were going to propose, and that a map should be deposited free, to be seen by anybody. No meeting has taken place since, up to the present moment; there has been no publicity, and there ought to have been, I think.

147. *Chairman.*] Would you be satisfied if the future inclosures were made after due notice had been given to people living in the neighbourhood of the inclosures?

Certainly as a commissioner, I should never assent to any inclosure being made in any other way. At the last meeting Lord Henry Scott, who is interested

rested in Beaulieu, for the first time understood that an inclosure was proposed which he objected to. He got his objections assented to by the commission at once, but had he not been there the inclosure would have been settled, and he would have had no power of objecting to it afterwards.

148. Duke of *Somerset.*] What you want as regards future inclosures is, that there should be more publicity?

Yes, that there should be an expression of opinion on the part of this Committee that in the setting out of inclosures the commissioners should give publicity to what is proposed to be done.

149. There are three points to be considered in the setting out of inclosures: first, that the place should be most convenient to be inclosed; secondly, that it should be best adapted for the growth of timber, or other trees; and, thirdly, that it may be best spared from the commons and highways of the forest?

Yes; the Deer Removal Act has also introduced a new qualification with regard to inclosures. Previously to that Act only oak could be planted, and for the use of the Royal Navy alone. Therefore it was an imperial question relating to navy timber only previously; but the words "other trees" having been introduced into the Act of 1851, almost the whole of the forest is liable to inclosure. Mr. Milne lays it down that there are four things to be considered: first, the fitness of the soil; secondly, the proximity of the inclosure; thirdly, sparing the commoners; and fourthly, the convenience of roads.

150. That was not the Act of Parliament exactly?

That was his interpretation of it.

151. When was his evidence given?

In 1849.

152. The Act being in 1851?

But it is, word for word, the same as William the Third's Act.

153. Lord *Portman.*] Three hundred acres was the minimum that would be taken in in any one inclosure?

Yes; there is one point which I wish to refer to on the matter of inclosures. I find, from adding up the acreage inclosed under William the Third's Act, it stands in this way. I believe the Crown has now 2,000 acres inclosed more than they had the right to have under William the Third's Act.

154. Duke of *Somerset.*] You say there is more inclosed now than there ought to be under the Act of Will. 3?

Yes, instead of 6,000 acres they have 8,000.

155. They have not more in inclosures than they are entitled to?

We are not hurt in that way, but if they have 8,000 acres, and they proceed to take 10,000, that would be 18,000.

156. Lord *Portman.*] They have not done that yet?

No, but if this is so, they are taking a liberty with William the Third's Act. Then with regard to the drainage question arising under the 8 & 9 Vict. c. 93, I would suggest that for the purpose of getting at how it stands, your Lordships should move for a return of the state of the accounts.

157. Duke of *Somerset.*] Is not the account in the annual report?

There is a separate account of it in all the annual reports, but there is no account of the money received from the railway company; there is no starting point; I want to see a clear account of what has been received, and what has been expended.

158. Lord *Stanley of Alderley.*] Has there never been any report of the money received, and the way in which it has been expended?

There is an annual return of the Woods and Forests, giving two sides, showing how the money has been expended and what is in hand; but there is no account of how the money received tallies with the sales in any way.

159. Earl *Nelson.*] Would not it be necessary to specify the quantity of acres that have been drained, and their locality?

I would suggest that there should be a return of all lands, portions of the New Forest, sold to any railway companies, with the date of sale, the price received,

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ceived, and the appropriation of the purchase money. In 1848 I find that Lord Lincoln moved for a return of the sale of lands not to railway companies in the New Forest; I would ask that you should also, in moving for that return which I have already suggested, move for a return of all lands portions of the New Forest sold, since 1848, otherwise than to railway companies, with the acreage, date of sale, price received, and the appropriation of the purchase money. We complain that they have 6,000 *l.* in hand, and they have not spent it, though it was 23 years ago that they received it.

160. Lord *Stanley of Alderley.*] Do you consider that the only application they are entitled to make of that money is in the draining of the land?

No; it is a legal question; the words are, "draining or otherwise improving;" whether "otherwise improving," may mean like improvements connected with drainage, I am not lawyer enough to say.

161. *Chairman.*] The widening of the brooks would be considered as coming within the words?

Yes; that is the way they have been construed, matters connected with drainage. With respect to the second return, which I suggested, there is a power under the Act of 10 Geo. 4, c. 50, s. 98, which I wish to call your attention to. Mr. Phinn states it in these terms, but I can assure you he makes an utter mistake even in the language; he says, "That wherever land in the forest is intermixed with the land of others to the extent of not more than 1,000 acres, Her Majesty has the power of selling that, absolutely discharged from all claims of common." That is a claim made since the Deer Removal Act, which we never had made before; we do not believe the Crown has the right of selling in that way, but if it has (and I think sometimes it is a benefit that bits of land are sold), we ask that the purchase money should be applied, taking the 8 & 9 Vict. c. 93, as the principle, for the mutual benefit of the Crown and the commoners.

162. Lord *Stanley of Alderley.*] Under what Act do you say that that power was given to the Crown, of selling land discharged from common rights where it is intermixed with the land of others?

The 10 Geo. 4, c. 50; I know Mr. Phinn is not right in his statement of the power that that Act gives; but according to that they may go on selling all the forest.

163. Have many sales taken place?

£. 12,000 worth were sold in 1848; Mr. Milne was examined before the Committee, and he said he thought there was a want of legislation with regard to the appropriation of that money, because the commoners were equally interested in it with the Crown.

164. Lord *Stanley of Alderley.*] Up to that time it had been appropriated to the ordinary revenues of the Crown?

Yes, which he thought improper.

165. Duke of *Somerset.*] Is there no limit to the quantity of land that may be sold?

According to the Act, where it is intermixed with the land of others, they may sell up to 1,000 *l.* of value. Then there comes to be a doubt whether they have not the future power to sell the whole wastes, but if they do sell, then we ask for our share of the purchase money.

166. The share of the purchase money must be divided amongst all the commoners?

No; it is to be used in the same way as pointed out in that Act of the 8 & 9 Vict., viz., for the mutual benefit of the Crown and the commoners, to be used on the soil in improving the forest. There are a great many things could be done to improve the forest if we got the money. It is one of those hardships we complain of, that we never heard of such a thing as that before the Deer Removal Act was passed, but as soon as the Deer Removal Act is passed, these things spring upon us.

167. Did you say that in 1848 12,000 *l.* worth of land was sold?

Up to 1848 that amount of land had been sold, but the money had not been applied, except to the revenues of the Crown.

168. Since

168. Since 1851 has any land of the forest been sold?
I cannot tell you.

169. As a resident in the neighbourhood, you would have heard if any large quantity of land had been sold?
Certainly, no large quantity of land has been sold. Mr. Phinn claims that right, and he has Mr. Gardiner sitting by his side, and he is speaking for the Woods and Forests. As to separating the rights of the Crown and the commoners, I would ask that those arrangements, whatever they may be, which may be come to now, either with regard to relieving us of the fence month and the winter heyning, or with regard to the modification of the power of inclosure and flinging open, should be declared in the Report of the Committee to be a final settlement of the case, leaving the Crown in that position which Mr. Gardiner describes as lord of the manor, with the right of soil and timber. We should never then have the slightest difference between each other, our rights being defined in the Blue Book; but we object to its being still a forest, and yet not a forest.

170. You look forward in the future to some real inclosure of the land?
I do not think anybody who knows it can look forward to anything else.

171. If it is to be inclosed, is it not better to have one measure than two; one measure before the inclosure, and one after the inclosure?
It is very capable of being carried out, leaving common of pasturage, because in the General Inclosure Act there are powers by which regulated pastures may be set out for common use, and you would be able to carry it out without the inclosure of the common, which neither the Crown nor the commoners wish. I would call the attention of the Committee to this: that in the General Inclosure Act the New Forest and the Forest of Dean are expressly excepted from its provisions, and they are the only tracts in England that are.

172. Lord *Stanley of Alderley.*] Do you consider that any forestal rights whatever remained to the Crown after the Deer Removal Act was passed?
Yes; under the Act of Will. 3, but I believe they ought not to have been continued. Mr. Howard claims forestal rights, but he does not specify one.

173. You would not consider the right of shooting a forestal right?
No; that is a right of chase. I cannot conceive myself that there is a forestal right that is not connected with deer. The forestal rights over private lands are very important, but the forestal rights over waste, irrespective of deer, are not important at all.

174. Would they include other animals besides deer?
Wild animals, including wolves and bears, as Mr. Phinn says. We wish to have declared what we believe to have been the intention of the Legislature when the deer were removed. As to inclosures, we specially ask that there may be no general inclosure. We, as commoners, object to discommoning at this moment. The Committees of 1789, 1849, and 1854, recommend that the New Forest should not be discommoned, and I believe it can be arranged so that the discommoning need not be carried out, and that therefore that class which I was referring to, viz., some thousands of those well-to-do labourers, may not be utterly destroyed.

175. Lord *Portman.*] You want the Crown to give up those rights, and to give up the possibility of inclosing hereafter?
No, certainly not; I ask the Crown to give up this: I ask it to give up a portion of the right it has under the Deer Removal Act, and in doing so, I ask it not to pass a General Inclosure Act; but then a General Inclosure Act may follow by and by in another 20 or 30 years, according to circumstances.

176. You want first to get all the rights from the Crown that the commoners can get, and having got those rights, to claim for them under an Inclosure Act?
No, that is not so; I want to rescue the rights of the commoners from what will be utter extermination, and I want to do so without damaging the Crown in any way, and I do not believe that it would be damaging the Crown in any way by giving us justice.

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177. Lord *Stanley of Alderley.*] You ask the Crown to give up certain rights which it at present possesses?
Yes.

178. What compensation do you propose to give the Crown for the surrender of those rights?
None at all.

179. Earl of *Romney.*] Because you believe the Crown got them unfairly?
I have no case at all, if you say the Crown has got those rights justly; I should not come here if I were not asking the Crown to give up something they ought not to have had; I cannot give them compensation for something they ought not to have had. Every part of the forest is traceable in Doomsday Book, the owner of it, and the quantity of land belonging to the owner, in that day; the moment it was made a forest came the fence month, but it is absurd on the face of it, that the Crown should keep up its right to the deer, in one sense, when the body of the deer are away.

180. *Chairman.*] Is there any other suggestion which you wish to make to the Committee before you deal with the report of Mr. Howard?
I would ask you to recommend that it should be declared that under the 10 Geo. 4, c. 50, s. 98, the Crown has no power to sell forest waste free from common, and that no future sales should be permitted from the wastes, except by consent of the verderers.

181. Duke of *Somerset.*] You want to repeal that Act of Geo. 4?
To declare that meaning of it.

182. By limiting it, because you say they have sold a good deal under the Act?
They have not sold a good deal under the Act, except where it is intermixed with the land of others; the difficulty arises on the second part of the Act.

183. You said 12,000 *l.* worth had been sold?
That is all intermixed with, or contiguous to, the land of others; it is suggested by Mr. Phinn before the commissioners, that the right of the Crown is a great deal more, that they may take any part of the wastes, and sell 1,000 acres at a time; if so, where are we? I have been asked my own individual opinion on one or two points; may I make an individual suggestion? I do not make it as honorary secretary of the association; it does seem to me, apart from the case of the commoners, that it is very doubtful how far it is right to denude the forest of its timber. It is a most glorious place, as everybody knows, even now, and was still more so. Is it consistent with the reversion of the Crown, that the timber which is merely ornamental, selling at 3 *d.* a foot, should be cut down to make those plantations?

184. Lord *Stanley of Alderley.*] Do you mean beech trees?
Some of your Lordships know that there is a beautiful place, for instance, called Boldre Wood; there is a grand wood called Mark Ash, in which I do not think there is any timber worth speaking of as timber, but there is very glorious old beech. That was embraced in a proposed inclosure, and I may say that, simply from a love of the picturesque, I did all I could to keep that out, and it was afterwards so arranged by the commission that that wood should be preserved. The cutting down of those trees would have been a great damage to that part of the forest. Apart from depriving the commoners of pannage, the result would have been that you would have reduced the value of a property worth, we will say, 40 *l.* an acre, because of its beauty, to 15 *l.* an acre.

185. Duke of *Somerset.*] That is, if the property were to be sold or let for a long period?
Yes. I am sure the time will come when the forest will be inclosed, and, I think, speaking as one who knows the forest well, it is ruining the property.

186. Lord *Stanley of Alderley.*] You mean, with the ornamental trees, it would sell at a much larger price?
I am afraid to state my own opinion as to the difference of value. The trees cut

cut down are not worth much; they get 1 *s.* 2 *d.* a foot for oak, and 3¼ *d.* for beech; the commoners have a little interest in it, because of the pannage. *W. C. D. Esdaile, Esq.*

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187. *Chairman.*] Have you any evidence to give to the Committee upon Mr. Howard's report?

I will very rapidly go through it, as I have said a good deal about it already. There is one point at the very first page. I speak as a landowner in a small way, but what I say upon the point is felt on all lands in the forest. Mr. Howard says, "The New Forest contains rather more than 91,000 acres, of which about 2,100 acres are the absolute property of the Crown free from all rights of common, and about 26,000 acres are private property subject to the forestal rights of the Crown." Mr. Howard has all the evidence regarding the office ready to his hand, while we are a disjointed body, and it would be an immense difficulty to us to show it, as to the whole of the private lands, but we utterly deny that that forestal right exists, and it is absurd, on the face of it, for one of the forestal rights is to cut browse wood for the King's deer, and he says that, notwithstanding the King's deer are gone, the forestal right remains. The rights of preventing the building of new houses making the grubbing of covert or pasture illegal, making a license necessary to cut coverts, making it illegal to take in other men's cattle to pasture, and the power to cut browse wood for the King's deer (all of which are forestal rights over private property), we say, never have existed, and the Land Revenue Commissioners do not so report in their Fifth Report. Mr. Milne says expressly that the freeholds were free. In 1848, at Question 1729, he expressly says the freeholds are not subject to forestal laws. "Forestal laws" has a meaning as to private property which it has not as to the wastes of the forest, when the deer are gone.

188. Duke of *Somerset.*] As to Mr. Howard's statement with respect to the right of the Crown over the 26,000 acres of private property, has any such right been exercised?

Never, that I know of.

189. Lord *Stanley of Alderley.*] You say you do not know what those rights are?

Yes; I know what the rights are, but I would not trouble your Lordships with those rights, because they have never been exercised. I have built a new house, I have ploughed up pasture; I have grubbed covert, and have never been interfered with. I know there are certain rights of chase which the Crown claim over some few of the lands.

190. Are there some forestal rights which go over all those lands?

No. Mr. Howard says so, but we say not; then comes the question with regard to what are the forestal rights that Mr. Howard claims. He claims forest rights over private lands, and he says also, since the Deer Removal Act the Crown has forest rights over the waste. I say I do not believe there is any such right. Then, in the same page, he says, "The right of the Crown to keep an unlimited stock of deer was paramount to the right of the commoners to such pasturage as might be left by the deer." I have already suggested that the deer never did and never could do any damage to the commoners. He treats the common rights, and either he or I must be wrong, as an "indulgence" on the part of the Crown for the burden which the forest laws brought upon them. I refer simply to what I said before, that common law as to forests is not so. According to Manwood there are two descriptions of forest common; one, those who inhabit the forest without any previous rights, who are given a right on account of the burden falling upon them; and the other are those who have lands to which rights are attaching for cattle, levant, and couchant. Then, as regards the state of the pasturage, that will be a matter of evidence before your Lordships; we have endeavoured to bring up witnesses to speak to that matter. Then we come to page 5, where he compares the New Forest with the Forest of Dean. I cannot go into the matter with the map, but I will point out this. According to this paper there are 26,000 acres of freehold inside the New Forest, and there are also, taking them altogether, 65,000 acres having forestal rights: whereas in the Forest of Dean there are only 313 acres of freehold free from rights of the Crown within the forest as against 26,000, therefore the comparison is not fair, neither is the comparison fair with regard to Woolmer. Then, at page 8 he refers to what took place with regard to the

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Bill in 1851, and he speaks of it as if it were an agreement between the commoners and the Crown. All I can say is this: I do not believe that the body of commoners were at all aware of what was going on; they were represented by a few gentlemen of the county who took an interest in it, and who opposed the Bill, but there was one single petition from the commoners, and only one, bearing five signatures against the Bill.

191. Duke of *Somerset.*] Surely the Committee were addressed by Mr. Talbot for a long time, who represented the commoners?

He represented three or four.

192. But he was brought forward to the Committee as counsel on the part of the commoners, and he delivered a speech for an hour and a half?

I was not there, but I dare say he did.

193. If one of the ablest counsel then at the Parliamentary Bar was employed by the commoners to appear before the Committee, is it fair to say that the case of the commoners was not heard?

I do not say that it was not heard, but I say that the body of commoners consisting of poor people, many of whom will be called before you, never heard about it. Mr. Talbot was counsel for certain large landowners.

194. Lord *Stanley of Alderley.*] It did not matter whether he represented 500 or 5 constituents; he would say all that a good lawyer would say about the case, would he not?

I dare say he did, but the smaller men were not represented.

195. The county Members were on that Committee, were they not?

I believe so. There is one point which I wish to refer to individually. The commissioners who set out the inclosures are given by name in this report. Mr. Howard says, up to a certain period the commissioners had behaved with impartiality, suggesting that, if they had not, the vacancies might have been filled up otherwise than by gentlemen resident in the district. He says, "Although the number of gentlemen upon the commission, who are connected with the New Forest and its neighbourhood, largely preponderates over the number of commissioners (only three in all), who are officers of the Crown, I gladly avail myself of this opportunity to bear testimony to the entire impartiality with which the former have acted in the proceedings taken with regard to the inclosures already completed in accordance with the Act of 1851." Up to the time of the inclosures which are already completed, no endeavours were made to obtain publicity; since that there have been endeavours made to obtain publicity. Mr. Howard's remarks upon the commissioners are limited to that particular point of time; that is to say, the completion of those inclosures; since that point of time, we must suppose that he does not wish to bear testimony to the impartiality with which the commissioners have behaved.

196. Duke of *Somerset.*] I do not see any complaint of the commissioners in that paragraph?

I do not wish to press it, but every one of us feel it to be an imputation. Up to a certain time, we are said to have behaved properly, but after that time nothing is said about our conduct.

197. It says with regard to the inclosures already completed?

That is about two years ago; we have had meetings to consult upon the future since that, and what has occurred at those meetings is the reason why he limits his testimony of praise to our impartiality up to that point. I am not alone in saying that we feel it to be an imputation upon us that our name should be given, and that we should be said to have acted up to a certain period only with impartiality.

[The Witness is directed to withdraw.

CHARLES YOUNG, is called in; and Examined, as follows: *Charles Young.*

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198. *Chairman.*] WHERE do you live?
At Burley.

199. How long have you lived there?
All my lifetime.

200. Do you occupy any land?
Yes; I occupy two acres of freehold.

201. You have a turn out upon the forest?
Yes; it is a freehold; I had the right given me, and it was proved.

202. How many cattle can you turn out?
I turn out two milch cows.

203. Duke of *Somerset.*] Any pigs?
No; I do not keep many pigs; I generally turn out one.

204. *Chairman.*] Have you suffered at all from the inclosures in the forest?
Yes, I do suffer from them.

205. In what way?
I have suffered by the new inclosures that have been taken in; it drives the cattle back into Burley Lawn, and there is not so much feed for the others that go out.

206. Your cattle used to feed formerly in Burley Lawn, and the other people's cattle have been driven into Burley Lawn in consequence of these inclosures?
They are now driven into the Burley Lawn.

207. And therefore your cattle have not so much food as they had before?
Yes.

208. Do you know anything of the inclosures that have bethrown open?
Burley New is the one nearest to us.

209. In what state is that?
It is in a very rough state.

210. Is there any pasturage there?
Very little.

211. It is unfit for the pasturage of cattle; is there any turbary there?
No; there is no turbary there.

212. Earl *Nelson.*] Is there any pasturage in it besides the roads?
Not very much; the forest ponies go there in the evening, and they pick the fern, but there is very little grass for the cows.

213. *Chairman.*] Has the removal of the deer been any benefit to you?
The removal of the deer would have been a benefit if we could have had the privilege of the fence month.

214. Do not you turn out in the fence month?
Yes, we have always turned out in the fence month.

215. Lord *Stanley of Alderley.*] Then are you worse off in consequence of the removal of the deer?
We are not worse off as regards that.

216. *Chairman.*] With regard to winter heyning, do you turn out then?
We sometimes turn out.

217. You ought not to turn out, I presume?
We had not much denial till the removal of the deer; that was the injury done us.

218. Duke of *Somerset.*] Do you turn out your cows in the winter?
Not very often; only to get water.

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219. You never had a case where they were driven off?
No.

220. Lord *Stanley of Alderley.*] In that respect you have suffered no inconvenience from the removal of the deer?
No, except that since the removal of the deer they have been more severe than they were before.

221. *Chairman.*] They have been more strict than they were before?
Yes.

222. Have you suffered inconvenience from stoppage of the roads in consequence of those new inclosures?
No, I do not think that we have suffered anything from that.

223. In what respect are you worse off than you used to be?
I am afraid in the inclosing of the present inclosures that they have got measured out, it will make it still worse for us.

224. You anticipate that when the new inclosures are carried out your pasturage will be very much restricted?
Yes.

225. Lord *Stanley of Alderley.*] At present you do not experience any injury?
Not so much, except that the cattle are driven back into our lawn.

226. Were there many deer in that neighbourhood before?
Yes.

227. Do not you suppose that those deer consumed a great quantity of pasture?
Yes; but there was a much better range for them to go in.

228. To the extent that they did consume the pasture, they must have given so much less to your cattle?
There was more pasturage then than now, because then there was very little inclosing.

229. Earl of *Romney.*] Do you mean that you have at present less grass for your stock than you had before when the deer were there?
Yes, there is less grass.

230. Lord *Stanley of Alderley.*] You consider that the deer did not consume any quantity of pasturage?
There was more land for them and the cattle.

231. Earl *Nelson.*] If Burley Lawn was inclosed, where should you have to drive your cattle?
We should not have any pasture at all, because the other part of Burley is mostly on a heath, and that the cattle would not feed on in the summer time.

232. Lord *Portman.*] If I understand you rightly, you are more afraid of what may come than what has happened?
It is dangerous, I think.

233. *Chairman.*] When the deer were allowed to remain in the forest during the winter months, they used to browse on the dwarf holly very much?
Yes.

234. Since they have been removed, the dwarf holly has grown to the injury of the pasturage; has not the holly increased where the pasturage used to be?
No, I do not think it takes place in the pasturage; it might increase a little, but not very much, because when the deer browse on the holly, they eat the heads of it; they do not touch the bottom parts.

235. Duke of *Somerset.*] Have your cows ever fallen into those deep ditches which we have heard about?
I have had one fall into a bog.

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236. Earl *Nelson.*] Do you work as a labourer as well as having this land?
I have a property of my own, and I maintain myself and my wife on that; there are a great many poorer men that have large families; I have no family.

237. Lord *Fitzwalter.*] Do you labour at all?
Only on my own land.

238. You live on the two acres?
Yes, and the little my wife has coming in.

239. Lord *Stanley of Alderley.*] You keep as many cows as you did before the removal of the deer?
I have never kept cows till within these five years.

240. Earl of *Romney.*] You have kept cows since the removal of the deer?
Yes.

241. Lord *Stanley of Alderley.*] Why did not you keep them before?
I had no convenience, and no one to look to them.

The Witness is directed to withdraw.

THOMAS CHEETAR, called in; and Examined, as follows:—

Thomas Cheetar.

242. *Chairman.*] WHEREABOUTS do you live?
At Brook in the New Forest, near King Rufus' Stone.

243. How long have you lived there?
I was born within half a mile of it.

244. Do you occupy any land near there?
Yes.

245. Whereabouts?
Adjoining Brook.

246. What cattle do you keep upon the land?
My stock is sometimes 12 or 15, sometimes more, and sometimes not so many.

247. How many acres do you occupy?
About 25 acres of land.

248. Of whom do you rent it?
Of Sir Henry Paulet.

249. Have you turned out your animals upon the forest?
Yes, I have rights upon the forest.

250. How many months in the year do you turn out?
We used, years ago, to turn them out all the season round, and we were never ordered to take them in in the winter season; but now we are now ordered to take them in on the 23rd November, and keep them in to the 6th May; that is, my ponies.

251. Duke of *Somerset.*] You do not take in the cattle?
No.

252. Why do they make you take in the ponies?
I could not answer why; but by making us do it, it has caused a great deal of injury to our pastures. The ponies used to eat the rough stuff that grows at the edges of the lawns, but as the ponies and the deer are not out now in the winter, it causes the best bit of pasture to be destroyed.

253. *Chairman.*] When the deer were there you were better off?
When the deer were there they did a great deal more good than harm, because they ate the rough stuff; we are worse off since the deer have been destroyed, so far as the lawns go, because the deer ate the rubbish, which has now

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grown over our lawns. Where there was about 10 acres of good feed that has come back to five or six, we have not so good feeding ground as when the ponies and deer used to eat the brambles and such like that has grown over the drains, and that caused a great deal of danger, and if the cattle happen to fall in, we lose them; but when the deer were there, they used to eat the brambles that now grow over the drains.

254. Have you lost any of your cattle?
No, but a neighbour of mine lost one about a fortnight ago.

255. If you were allowed to turn out in the winter months ponies and other animals, you think that rubbish would be eaten off?
Yes.

256. And the ditches in the inclosure would not do so much harm?
No.

257. Lord *Stanley of Alderley.*] If you were allowed to do that, that would make up for the loss you have experienced in being deprived of the loss of the deer?
I do not say make up the loss, but it would be a great advantage to us, because our lawns now, in the course of a few years more, will be in such a state that we shall not want to find much feed at all.

258. Have you been injured at all by the new inclosures?
They have taken in no inclosures near me. It annoyed the inhabitants of the forest, but I do not live handy to an inclosure.

259. Earl *Nelson.*] How far are you away from the nearest inclosure?
I have not any stock that run very near any inclosure; not within more than a mile; people that live handy to the inclosure are more annoyed at the inclosure than I am.

260. Your cattle are turned out from your own place?
I turn them out at once, and they go into the forest.

261. Lord *Portman.*] That side of the forest where you live is not the best land in the forest, is it?
There were some very good lawns before they were grown over on our side of the forest. There are places in the forest not quite so good as ours, and places a little better.

262. It is not much of planting land, is it?
Some of the land is middling, and some is not very good. I am not a very good judge of growing timber myself.

263. Duke of *Somerset.*] Besides your rights of turning out cattle, have you a right to fuel?
Yes.

264. Is that given you every winter?
Yes, I have fuel allowed, and the turn out of cattle.

265. Have you the right of turbary?
Yes, also.

266. Do you exercise that right?
Yes.

267. Lord *Stanley of Alderley.*] What do you use it for?
We burn the turf.

268. Duke of *Somerset.*] Does not the exercise of that right spoil the surface of the forest very much, cutting off the turf?
They do not cut it to injure the forest; they cut some and leave some.

269. What they cut injures the forest?
But it will grow again.

270. Lord *Fitzwalter.*] It takes some time to grow again?
It takes a little time.

271. Lord

271. Lord *Stanley of Alderley.*] You do not think that you have been in any way injured by the Deer Removal Act, except that you have suffered from the removal of the deer, which no longer improve your pastures?

The greatest harm done us by the removal of the deer is that the lawns get overrun with rubbish that they used to eat in winter; our lawns are not so good as when the deer were in the forest.

272. In other respects you have not suffered any injury from the removal of the deer?

If the deer had been there, it would have been better than for them to be destroyed, because they ate the rubbish that now grows over the lawns.

273. *Chairman.*] Would you be satisfied if your cattle were allowed to run out in the winter?

I should be better satisfied then.

274. Earl *Nelson.*] If the ponies were allowed to be out in the winter, they would be able to keep down this rubbish that grows over the lawns?

Yes.

275. Lord *Stanley of Alderley.*] That would partially make up for the loss which you have experienced from the removal of the deer?

Yes, the deer used to eat the rubbish; that was all the good they were.

276. Lord *Portman.*] In some parts of the forest they set fire to parts of the forest, did they not?

Ill-disposed people did that.

277. Is it not a good thing when they do it for the pasturage?

It is some years before there is any keep at all; they burn it, and for a certain time there is nothing grows.

278. *Chairman.*] They used to do that for the deer, did they not?

I could not say that they did it for that; there have been reports of it, but I could not say.

279. Duke of *Somerset.*] You say that the deer ate the rubbish; did not they eat good pasture too?

In the winter season they used to eat the rubbish.

280. In the summer season, did not they eat the good pasture?

They fed in the best pastures.

281. Now you get that best pasture for the cows that formerly the deer ate?

When the deer used to run in the forest, they went in the same places as the cows go.

282. And ate the good pasturage?

Yes, and in the winter they ate the bad.

283. You seem to forget that they ate the good in the summer?

They certainly did that.

284. Now you get the good for the cows without any interference on the part of the deer?

Of course, the deer are not there to eat the cows' feed, but still they did more good than harm, on account of our lawns, which have now got overrun with rubbish that the deer used to keep down.

285. Earl of *Romney.*] In the summer I suppose plenty for both?

Yes.

286. *Chairman.*] The growth of this rubbish is spoiling your best pastures?

Yes.

The Witness is directed to withdraw.

CHARLES CASTLEMAN, Esq., called in; and Examined, as follows:

C. Castleman, Esq.

9th June 1868.

287. *Chairman.*] You are a Magistrate for the County of Southampton?
I am.

288. And one of the commissioners under the Deer Removal Act?
Yes.

289. Lord *Portman.*] And a director of the South Western Railway Company?
Yes.

290. *Chairman.*] You have known the New Forest for a great many years?
Yes.

291. You can speak, therefore, to the state of the forest at the time of the passing of the Deer Removal Act, and you can say whether or not that has, more or less, injured it?
I can only speak generally to the state of the forest at that time, for I was not then living in the forest, though I was living in the neighbourhood. The quantity of pasture is, no doubt, very much reduced.

292. Lord *Stanley of Alderley.*] In consequence of the removal of the deer?
I believe in consequence of the removal of the deer there is an actual reduction of the pasturage. The lawns are being grown over by heath and coarse grasses, which the deer formerly ate.

293. *Chairman.*] Owing to the cattle not being allowed to be turned out in the winter?
I do not think so, for I do not think they would eat the young heath.

294. You consider it entirely owing to the removal of the deer?
Yes; and that is the opinion of others who are more competent to judge as to that than I am.

295. The commoners did not gain by the removal of the deer so much as they lost by the increased inclosure of the forest?
They did not. The only commoners who gained by the removal of the deer were those who had property in the forest. About half of those who have rights of common are persons whose properties are at a distance from the forest, and who were in no way inconvenienced by the deer. Those who were within the forest undoubtedly gained this: that they were not obliged to keep up a buck fence, and they could grow turnips, to grow which, where there were deer, was impossible; they gained that in their own private lands; those at a distance, who comprised one-half, have consequently been much more injured than those resident in the forest.

296. It was impossible to farm any land within the boundary of the forest so long as the deer remained there?
You could not grow turnips, or root crops, because the deer go anywhere for them.

297. Lord *Stanley of Alderley.*] You think the small freeholders and proprietors were injured by the removal of the deer?
No doubt of it, and more especially by the inclosures which have taken place since the Deer Removal Act, because they are now obliged to drive their cattle so far for pasturage, and they cannot keep their milch cows at all. In the forest the pasturage is now removed so far away from them, and they cannot drive their milch cows any distance to pasture.

298. Have they experienced any injury from what the former witnesses have stated, namely, that the coarse rough grass has increased very much since the deer were removed, and destroyed the pasture?
That has been the fact.

299. *Chairman.*] With regard to the selection of those inclosures, has there been

been any publicity given hitherto with reference to them before the land has been inclosed?

None, that I am aware of. At the first meeting which I attended of the Commission, it had become known that there was to be a meeting, and a deputation of the commoners attended and stated their case, and in consequence there were some trivial alterations in the inclosures that were intended to be made. At the first meeting I took great objection to some of the inclosures, on the ground that they would shut up several of the highways of the forest; and I moved that there should be an adjournment for the purpose of our obtaining, from the law officers of the Crown, an opinion as to our rights as Commissioners with regard to the inclosing of those highways, having myself a strong opinion that it was not right by these large inclosures to shut up the commoners from passing backwards and forwards, and separating the forest into two or three large divisions.

300. Since that period, have any fresh inclosures been made?

I think no fresh inclosures have been made since I have been on the Commission, excepting those agreed to before I was on the Commission. Inclosures have been made, but they had been agreed to before.

301. Duke of *Somerset.*] I understood you to say, that you adjourned the meeting in order to obtain the opinion of the law officers of the Crown as to your powers as Commissioners?

No, I asked for an adjournment to obtain the opinion of the law officers of the Crown, but I did not succeed in obtaining it; it was not conceded.

302. *Chairman.*] Has there been much inconvenience as regards the roads through the forest in consequence of the inclosures?

I cannot say personally, to the inconvenience, beyond this: that one or two roads where I have been in the habit of riding have been shut up. I myself have experienced no inconvenience from it, because Mr. Comberbatch kindly gave me a key of the inclosures, but no doubt serious injury has occurred to the commoners from shutting up ancient tracks through the forest, because they are now obliged to go, in many instances, miles out of the road to go round the inclosures, whereas, formerly, they went by the roads over the land now inclosed.

303. In the Act of William the Third, and also in the Deer Removal Act, were not the Commissioners directed to inclose that land which might be best spared from the commons and highways?

Yes.

304. Ought not, therefore, the highways to have been respected in those inclosures?

I think they should; that was my view of it.

305. Lord *Stanley of Alderley.*] Were not those tracks overgrown?

They were ancient tracks, spreading four or five times the width of this room; when one track had become impassible they made another.

306. Could they properly be described as highways?

Yes, I think they could.

307. Lord *Portman.*] Is not one of the inconveniences which are experienced caused by the necessity of inclosing not less than 300 acres in one inclosure?

No, it was thought very advisable at the time the Deer Removal Act passed that small inclosures should not be any longer persevered in, because, if they had been, the good land of the forest would have been entirely taken up in small inclosures, and the whole of the lawns might probably have been inclosed at one time, and in that way the whole pasturage of the forest would have been taken up entirely in the first inclosure of the 10,000 acres.

308. Does not the necessity of making inclosures, to a great extent, of itself interfere with the highways very much?

I should think not, because the gates might be left open for passing through, and the highways still left for the commoners' use.

309. You think that that inconvenience should be modified by gateways?

Yes, modified by passages through the inclosures

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310. Duke of *Somerset.*] What is your opinion with regard to the future of the forest; would an inclosure Act, in your opinion, be the most advantageous thing for the better management of the property?

Yes; if the present system of inclosing is to go on. I was one of the few individuals who joined in the opposition to the Deer Removal Bill. At that time I foresaw what would happen, and I was of opinion then that it would have been far better to have had an inclosure at once, and that is still my feeling; that it would be better for the commoners to have an inclosure now, whilst their rights are of some value, than to wait till the Crown has rendered them useless and then get nothing at all.

311. In 1851, when the Act passed, there was great difficulty in ascertaining who had common rights?

Nobody knew at that time what were the rights of either Crown or commoners, and one of our great grounds of complaint against the Deer Removal Act is, that the Crown fixed its own compensation without knowing really what the rights of the commoners were, or what number of acres had rights. We feel that there should have been some Commission to inquire into that prior to legislation, and some evidence given before the Committee of the House of Commons before the Act was passed both as to the value of the right to keep deer and of the rights of common, in order that the Committee on the Bill might have known what they were giving as a compensation for the rights of keeping deer.

312. Since that Act was passed, the rights have been ascertained and registered?

They have.

313. Therefore, now the difficulty that originally existed, as to an inclosure, is so far lessened?

Certainly.

314. Lord *Portman.*] Are you aware that the claims that were sent in before the Act of 1851, were so enormous that it was perfectly impossible to go into them without some such measure as the Act of 1851?

I am aware that there was a great mistake in the first Act which was passed, because the Commissioners found that they had no power of bringing parties before them, and the people who did not choose to appear before them, would have retained their rights without any question.

315. *Chairman.*] Have you any suggestion to offer with regard to any remedy for the grievances the commoners complain of now?

It appears to me that justice could only be done by the appointment, on the part of the Crown, of one surveyor or commissioner, or whatever you choose to call him, and by the commoners of another, which two should select a third whose decision should be final; and that they should go back to the question of what the value of the rights of keeping deer was at that time, and ascertain whether the Crown has or has not received a larger equivalent already than they ought to have for those rights; that seems to be the only fair mode of deciding the question, and something of that sort ought to have been done before the Deer Removal Act was allowed to pass. No private person could have obtained such an Act without it.

316. It is your opinion that the share allotted to the Crown under the Deer Removal Act, was greater than it ought to have been?

I have no doubt of it. If I might use the expression, the whole fallacy has been this, they have dealt with the rights of the commoners as though they were encroachments (as Mr. Howard calls them in his report), which the commoners had been allowed to make on account of the oppressive nature of the forest laws. That appears to me to be a fallacy, as is proved by the fact that the larger proportion of the rights in the forest, are in respect of lands which were entirely out of the jurisdiction, and out of the way of injury from the forest laws. That to my mind conclusively proves, that they were rights in existence when the forest was created, and being so, it is not to my mind quite right to say, that the Crown has a right to eat up the whole of the produce of the soil by the mouths of their deer; practically that could never have happened, because the deer died from starvation; and then came the Act, by which the

the Crown were allowed to have a certain quantity of land for the growth of hay, in order to keep the deer alive in the winter; that was a clear infringement of the forest law, and to a great extent of the rights of the commoners. I know on several occasions when the stock of deer was too large, a great many of them died, and practically a stop therefore was put upon a sufficient quantity of deer being kept to be an injury to the commoners.

317. Have you any other suggestion to offer with regard to the fence month or the winter heyning?

I have only this to say, that I was one of the committee appointed to oppose the Deer Removal Act, I being one of the few who were in opposition, and certainly neither the winter heyning nor the fence month at that time was mentioned. Mr. Gardiner, in conversation with me, when I pressed upon him that we should have the rights of the commoners ascertained, said, "That is no business of ours." In the original Bill there were no clauses for ascertaining the rights of the commoners, nor as it passed the first Committee of the House of Commons; and when I was pressing upon him that we should have such clauses put in for ascertaining the rights of the commoners, he said, "After this is passed the Crown will have no interest in it; you must manage it amongst yourselves"; and I certainly believed that everything necessary for the preservation of the deer would go with the deer, and would benefit the commoners.

318. You anticipated that the winter heyning and the fence month would have been given up in the Deer Removal Act?

Yes.

319. Do you think they ought now to be given up?

I do, decidedly; I think it would be but fair. With regard to what has been called the compromise upon the part of the commoners, I wish to say that only a very few individuals whose names I hold here, only 11 were the real opponents; there was no time for getting up any effective opposition. The history of the Deer Removal Bill was this:—When Lord Duncan's Committee sat in the House of Commons, on the question of the forests, I at that time had assisted Lord Duncan upon the question of the New Forest, and gave evidence before the Committee. What came out before that Committee showed such a state of things in the forest, that it was impossible for the Crown to continue to keep the deer, for it was proved beyond the possibility of doubt that every buck killed in the forest cost 100 *l.* and upwards, and not more than 110 bucks were killed in a year, and they went principally in payment of compensation to those landowners who did not kill the deer which came upon their property. It was impossible for the Crown to continue to keep the deer, and they brought in this Bill without any consultation with landowners in the forest, and in it they fixed their own compensation at 14,000 acres. That Bill was ordered to be printed on the 19th of May, and could not have been in the hands of Members under ten or a dozen days. The moment it was, a meeting was held of those few gentlemen who determined on an opposition. A meeting of the Commoners was held at Lyndhurst, but it was too late, for on the same day the Committee of the House of Commons met and chose a chairman. On the 25th the Committee passed the preamble simply upon the examination of two witnesses, without any evidence whatever as to the state and value of the rights, I mean any evidence as to the nature and extent of the rights of the commoners, or any evidence as to the value of the right of keeping deer. On the 26th the Bill, as amended, was ordered to be printed, and then between that and the 12th of July there were a great many meetings between Lord Seymour (now Duke of Somerset) and Lord Malmesbury, Mr. Compton, Mr. Drummond, and myself, who were a committee appointed by the opponents, and, finally, we succeeded in obtaining from the Crown a reduction of 4,000 acres from the 14,000, but we gave up to the Crown the lands which had been taken by Act of Parliament from the commoners for the purpose of growing hay. That is what was called a compromise. The real reason why the opposition stopped was the threat of inclosure. It was said to us distinctly that if that Bill or something like it did not pass, the forest must be inclosed, and it was upon that threat that this arrangement was made, which is now termed a compromise.

C. Castleman, Esq.

9th June 1868.

320. Lord *Stanley of Alderley.*] You said that, in your opinion, inclosure would be a good thing?
I think it would.

321. Were you of that opinion at that time?
I was of that opinion at that time, because I saw that the operation of the Act would be that the rights of the commoners would very soon be entirely eaten up.

The Witness is directed to withdraw.

JAMES SEAGER, is called in; and Examined, as follows:

James Seager.

322. *Chairman.*] WHEREABOUTS do you live?
At Pennerly Farm, Beaulieu.

323. How long have you lived there?
I was born there.

324. Have you any rights of common attached to your farm?
Yes, very valuable rights.

325. How many cattle can you turn out in the year?
I turn out about 20 or 30; I could turn out 50, I suppose.

326. Are you obliged to take those in in the winter months?
No, not because I am obliged to do it; I do it because we think they want better feed; I have had cattle out all the winter.

327. You were never interfered with by the fence month, or the winter heyning?
No.

328. Have you suffered any inconvenience from the inclosures in the New Forest?
Certainly I have.

329. In what way?
Because it takes away the pasturage of our home lands, close to the farm.

330. You formerly had pasturage close to the farm, and since the inclosures have been made you have been driven further a-field?
Yes.

331. How far off now is your pasturage for your cattle?
We have some pasturage as close as ever, but not so much.

332. How far are you obliged to go in consequence of the inclosures?
I turn out about half-a-mile into the New Forest, and we have some inclosures within 100 yards of Burnley; the inclosure might be 200 acres, and the cattle are obliged to turn round it.

333. Lord *Stanley of Alderley.*] Has not the removal of the deer given you more feed for the cattle?
No, not so much, because the deer used to be there in the winter; the deer and the forest ponies used to eat the rough gorse, and now the lawn has become overgrown with heath and furze, and so on.

334. Duke of *Somerset.*] What size is your farm?
Two hundred and thirty and odd acres.

335. You grow some turnips, I suppose?
Yes.

336. When the deer were there, did not they eat your turnips?
No.

337. Never?
I cannot say that they never did.

338. How

338. How near the forest is your farm?
It adjoins the forest.

339. The deer never came to eat your turnips?
Not much; I have had them in.

340. Lord *Stanley of Alderley.*] Have you derived no benefit from the removal of the deer?
I have suffered from it, because the pasturage is not so good for my farm, and not so good for some property I have in Boldre parish besides.

341. *Chairman.*] Have any inclosures been thrown out in your neighbourhood?
Yes, within a mile and a half.

342. In what state have they been thrown out?
With timber grown on, and very many drains in them.

343. Is there any pasturage in those places?
Very trifling.

344. Do the drains interfere with the cattle?
They are very dangerous for cattle.

345. Have any cattle been lost in the drains?
Lots of cattle have been lost in the drains; I have lost some myself.

346. Lord *Portman.*] Were there any drains there before 1851?
Not half so many.

347. Were they as dangerous to cattle?
Not near; formerly they were wide drains, but now they are inclosed drains.

348. Earl *Nelson.*] Could you tell us what number of trees there would be on an acre of plantation?
No, I could not, because they are thickly planted; I could not say how many would stand on an acre.

349. There is not much room for grass to grow under them?
No, it is entirely shaded in.

350. Earl of *Devon.*] How old is the plantation you speak of?
I should think 8 or 10 years; it might be 40 years old.

351. No grass fit for pasture grows under the trees?
No grass that the cattle would eat; I do not know that they would not eat it at all, but it is not equal to the pasture in the open land.

352. Lord *Portman.*] You object to plantations, as plantations; you do not object to the loss of the pasturage over the forest generally, but wherever there is a plantation, you think it is a nuisance?
Yes, I do, in regard to the cattle, and in regard to the turbary, because there is no turbary for the commoners, if you plant it all.

353. *Chairman.*] Are there many cottagers round you who have rights of turbary?
Yes, my landlord has cottages on his estate; perhaps nearly 200.

354. How far have they to go for turf?
Beaulieu Manor adjoins the forest nearly all round; they have a full right in the forest for turbary.

355. Have they to send for turf further than they used to do?
Lots of us have to send for turf further than we used to do a year ago; we have to send further for turf in consequence of the inclosures.

356. Lord *Portman.*] You hold under the Duke of Buccleuch?
It is now Lord Henry Scott's.

The Witness is directed to withdraw.

WILLIAM ABBOTT is called in; and Examined, as follows:

William Abbott.
9th June 1868.

357. *Chairman.*] WHEREABOUTS do you live in the forest?
At Brockenhurst.

358. Do you occupy any land there?
Yes.

359. Are you a freeholder?
It is not my own; I rent it.

360. How much do you rent?
An acre and three quarters.

361. How many cattle do you turn out?
I keep one cow; I have kept two, but I was obliged to sell one; I keep one now and hire another, and I have got a pony.

362. How long have you lived in the forest?
All my life.

363. Do you find the pasturage as good now as it was when the deer were there?
No.

364. How do you account for that?
The deer and the forest ponies running in the winter ate all the rough and coarse stuff, but the inclosing of the best feeding land drives all the forest cattle in upon us, and we are very short of feed; in the new inclosures thrown out there is very little feed.

365. Has there been much land inclosed near you?
It does not hurt me a bit; I have nothing that goes into any of the inclosures where I live, the forest is so poor.

366. Have you a right of turbary?
No.

367. Have there been any inclosures thrown out in your neighbourhood?
Yes.

368. In what state are they in; are they fit for pasturage?
No, there is no pasturage; they are all over-arched; the boughs touch, and nothing grows under, and what there is the cattle will not eat.

369. Are they cut up with drains?
There are a few; there is a little bog on one side, but nothing worth speaking about.

370. Is it a great loss to you not to be able to turn your cattle out in the winter months?
Yes, it is a great misfortune not to be able to turn out our cattle in the winter months.

371. You cannot now?
Not fully.

372. Earl *Nelson.*] But you do?
We are apt to let them out for a little fresh air. I wish the ponies and the deer were allowed to run now.

The Witness is directed to withdraw.

MR. FREDERICK FRYER, is called in; and Examined, as follows:

Mr. F. Fryer.

373. *Chairman.*] WHERE do you live?
At Hythe, near Southampton.

374. Are you relieving officer of any union?
Of a portion of the New Forest Union; the third district of the New Forest Union.

375. Can

Mr. F. Fryer. 9th June 1868.

375. Can you state to the Committee what the effect of the inclosures has been upon the poor of the forest?
I think that the inclosures have had a very prejudicial effect upon the poor in the neighbourhood. There have been several commons inclosed in my district since I have been relieving officer of the district, and I think that the inclosures of those commons has had a prejudicial effect upon the poor.

376. You mean inclosures of portions of the forest?
Yes: for instance, Forest-lane, near Hythe. The whole of that common has been inclosed within the last 16 or 17 years.

377. Lord *Portman.*] Is that in the forest?
Yes, it is a portion of the New Forest.

378. Was it inclosed for timber?
No, it was sold by the Crown; the whole of that common belonging to the Crown was sold.

579. Lord *Fitzwalter.*] Hythe is not in the forest, is it?
Hythe itself is not in the forest. This common was within three-fourths of a mile of Hythe.

380. Duke of *Somerset,*] Was it sold in 1848?
No, not so early as 1848; since 1848; I should say about 1852 or 1853.

381. Lord *Stanley of Alderley.*] That was not, you say, an inclosure for the purpose of growing timber?
No; it was a common belonging to the Crown, and there were many people living round the borders of the common that used to turn their cattle, or pigs, or cows, into the common.

382. *Chairman.*] Was that a part of the forest?
Yes; because it was sold by the Crown.

383. Lord *Fitzwalter.*] Do you know that it was part of the forest?
Yes; because the forest keepers have jurisdiction there.

384. *Chairman.*] What has been the effect of that inclosure?
The effect of that inclosure has been that people who lived on the borders of the common have now no place to turn anything into; they cannot turn their animals on to the common now because it is private property.

385. Lord *Portman.*] That evidence is against any inclosure of any sort or kind anywhere?
Yes.

386. Earl of *Romney.*] Are there more paupers in the district than formerly?
Quite as many.

387. Duke of *Somerset.*] Were you acquainted with the forest before 1851?
Yes; I have known it all my lifetime.

388. Was there no truth in the complaints we heard of the number of poachers and other people attracted to the New Forest, who lived by killing the deer in the winter?
Here and there there might have been a poacher probably, but very few of the people were of that class; here and there one in a parish will be a bad character.

389. If evidence was given to the Committee of the House of Commons that a number of poachers, and other loose characters were brought there by the facility of killing deer, you think it was not correct?
To some extent it would be, but in this portion of the forest where I reside, the deer were not so numerous as in other portions of the forest.

390. Lord *Stanley of Alderley.*] Do you think the cottagers, and the poor people, who have rights of common over the New Forest, have suffered much from the destruction of the deer?
Yes, I think they have; I think the deer had a beneficial effect in the forest.

391. In what respect?
I think they fed hard where the herbage was sweet, and the forest ponies

Mr. *F. Fryer.*
9th June 1868.

followed after them, and many years ago when the forest ponies were rarely disturbed in winter time, they kept down the gorse and heath very much, and prevented its spreading on a great many of the lawns.

392. Earl *Nelson.*] You are in the habit of visiting the poor in your district?
Yes.

393. Does your district go into the forest proper very largely?
I have 10,000 or 12,000 acres of the Denny Walk within the boundary of my district.

394. What is the general position of the labourers; are they well to do compared with other labourers?
They are about the same as other labourers in the county; not better off.

395. Have not they all got a cow, or most of them?
No; some few have not, the majority.

396. Are you able to say whether any inclosures which have taken place within the forest proper, have had a prejudicial effect upon the poor?
Yes.

397. Where?
There are three inclosures I may refer to; indeed it is almost one inclosure at King's Hat, near the Beaulieu estate belonging to Lord Henry Scott; there was some very nice land there, taken into three inclosures about 18 years ago, nice feeding ground. There was another inclosure in my district, of several hundred acres, called the King's Copse, which was thrown out about 10 years ago; now that inclosure is not of much service, in fact it is almost a trap to catch cattle; I have been through it myself, and the drains are very much overgrown by brambles and so on, through there being no feeding in the copse; the cattle frequently get in and die; I know many people in the neighbourhood of that plantation who have lost cattle; one man has lost as many as three ponies, and several have lost cows at different times.

398. Have the inclosures so far affected the condition of the poor that the Board of Guardians have given a large amount of out-door relief?
To some extent.

399. Are you able to say, of your own knowledge, that the means of individual paupers have been so far diminished that the Guardians have been obliged to give more relief?
Yes, that would apply round the neighbourhood of Langley, where commons have been inclosed, and Frost-lane and Ardley. Through those commons being inclosed the people have had no easy access to the forest, and as they have had no easy access to the forest they have not been able to keep a cow.

400. It is in that sense you say their condition has deteriorated?
Yes; the little holdings are not worth so much because of the privileges being abolished.

401. *Chairman.*] To what extent do you consider that the poor people in your union have been damaged by these inclosures?
They have a great deal more difficulty in getting turf; there is much less surface for cutting turf; the old inclosures thrown out are valueless for that purpose, because no turf is allowed to be cut from those inclosures. Take King's Hat, for instance; nothing can be cut there; and if other inclosures are made, there is considerably less surface for getting turf from.

402. Has much distress ensued in consequence of these inclosures having been made, and the old inclosures having been thrown out in a bad state of pasturage?
Yes, the pasturage is almost worthless.

403. You think that there has been a greater amount of distress amongst the poor people in the district in consequence of these inclosures?
Yes, because many have not kept cattle at all in consequence; they have abandoned keeping cattle.

404. Earl of *Romney.*] Do you believe those people have really rights there, or are they merely encroachments?

A great

A great many have rights, and a great many who have not rights have lost them from ignorance in not knowing how to proceed to get their rights recognised; they being poor, and not being able to substantiate their claims. Mr. *F. Fryer.* 9th June 1868.

405. Are there many of those who have rights who have suffered in consequence of the change?

Yes, no doubt there are many.

The Witness is directed to withdraw.

WILLIAM CLEMENT DRAKE ESDAILE, Esquire, called in; and further Examined.

406. *Chairman.*] HAVE you any more Witnesses to be examined upon the points which have been spoken to by those who have been already examined. *W. C. D. Esdaile* Esq.

Yes, several.

407. The principal points upon which we have had evidence are these:—That the inclosures have encroached upon the rights of the commoners; that the old inclosures which have been thrown open have been thrown open in a state quite unfit for pasturage and turbary, so that they have been, to that extent, a loss to the commoners who have rights of turning out cattle, and also rights of turbary; and that the poor people have suffered a good deal in consequence of the removal of the deer, and in consequence of the cattle not being allowed to go out in the winter months; the effect of which has been that a great deal of the rough holly, and gorse, and brambles, which those animals would feed upon in the winter, is not being consumed, and consequently there is less pasturage in the summer. Those are the points upon which we have already had evidence, and I am not aware that the Committee wish to have any more upon those points?

There is another class of Witnesses to prove the actual loss of cattle in the drains, which I understand the Committee have sufficient proof of. With respect to another point, we are prepared to send down professional Witnesses not connected with the forest, in order that it may not be said that we only brought up Witnesses connected with the forest, and we shall be prepared to call them next Tuesday, if your Lordships think fit, to speak to the state of the inclosures.

The Witness is directed to withdraw.

[Ordered, That this Committee be adjourned to Tuesday next, at Twelve o'clock.

Die Martis, 16° *Junii*, 1868.

LORDS PRESENT:

Duke of Somerset.	Lord Stanley of Alderley.
Earl of Devon.	Lord Belper.
Earl of Romney.	Lord Northbrook.
Viscount Eversley.	Lord Fitzwalter.

VISCOUNT EVERSLEY, in the Chair.

GEORGE EDWARD BRISCOE EYRE, Esquire, is called in ; and Examined, as follows:

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408. *Chairman.*] I believe you belong to the Association for the Protection of the Interests of the Commoners of the New Forest?
I do ; I am a Member of that Committee.

409. You reside in the New Forest, do you not?
I reside in the New Forest.

410. Will you state to the Committee what has been the effect of the passing of the Deer Removal Act upon the interests of the commoners?
Generally, I think the effect has fallen most heavily upon the poorer class; they are being deprived of the power of turning out their milch cows and pigs, and the wealthier of them are obliged to drive their cattle to such a distance, that it puts them to expense for drivers and watchers, and in consequence of damage by fatigue to the animals; and, besides that, the size and juxta-position of the inclosures oblige them and their cattle to make long circuits to reach the parts of the forest they require to go to.

411. You state that they are deprived of the power of turning out their cattle; do you mean to allude only to those months of the year included in the winter heyning?
I think the cattle have never been taken in in the winter; I think the ponies have, but not the cattle; it would have created positive distress to have driven in the horned cattle.

412. What has been the effect of driving in the ponies in the winter?
It has tended to diminish the size of the lawns, and the amount of grass upon the open lands, which has been very much choked by the growth of heath and gorse.

413. And that heath and gorse is devoured by the ponies in the winter months, is it not?
Yes, and by all the animals; the deer are supposed to have eaten a great deal of heath.

414. Have the foresters gained much by the removal of the deer from the forest.
I should not say that they have gained anything, judging from their own account.

415. Will you point out to the Committee any of those great enclosures, to which you allude, which have been felt to be so injurious to the forest?
I should like to point out the fact, that, taking into account inclosures proposed or in progress, there are three great blocks of woodland in the forest; the first, north of Burley, which, I have found from the assistance of the map, contains

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tains about 12 square miles of inclosures, almost unbroken. I calculate that mileage as from Rinefield Lodge up to and including Ocknell Inclosure.

416. This map which you produce to the Committee has been laid down upon the Ordnance scale?

It is the map from Mr. Bonham-Carter's Report, mounted, and added to with the view of elucidating this inquiry.

417. It is the same map which is alluded to in this Report?

Yes; the black spots indicate the centres of populations more or less roughly; it is not perfectly complete.

418. Can you inform the Committee in what way this great inclosure in the neighbourhood of Burley operates upon the rights of common possessed by the commoners?

I should hardly like to answer that question; my knowledge is more accurate with regard to another side of the forest.

419. Duke of *Somerset.*] You spoke of the enclosure at Burley as being one of the great objections; will you continue what you were about to state?

I was going to say that the objection to the large blocks of inclosures is that they interfere with the passage of men and cattle; but, as regards the question of pasture absorbed near Burley, more local knowledge than I possess is required to speak to that. If I might choose a portion of the forest to give evidence about, I should choose a portion as to which I could give an account of the disadvantages of the inclosures somewhat in detail.

420. Is not Burley far removed from any great centre of population?

The cattle of the commoners wander so much over the forest, that the evil done by an inclosure is not confined to its immediate neighbourhood; but every bit of forest pasture that is taken in affects the commoners generally, and now increasingly.

421. I wish to ask you again, is not Burley removed from the chief centre of the population?

Yes.

422. Could you point out any other point of the forest which is so far removed generally from the centres of population as Burley is, considering the black spots upon the map to be the centres of population?

I hope I guarded myself from saying that these black spots indicated every centre of population. I do not know any place that is so isolated as Burley; but the Burley people complain more than any, or as much as any, of the damage done to their pasture.

423. *Chairman.*] What is the population of Burley?

I am afraid I could not say.

424. Could you give us some information with reference to the part of the forest which you are acquainted with?

I could speak of that block of woodland extending from Cadnam to the union workhouse and thence to Matley; its real extent does not appear from the map, nor would you gather from the map the great damage which has been done by these four spots of green that are marked. These spots of green, as the names of two of them suggest, contained much valuable pasture.

425. Duke of *Somerset.*] When were those inclosures made?

By referring to the Return made to Lord Nelson, I can tell you. Shave Green in 1859 and 1860; Brockis Hill at the same date; Buskett's Lawn in 1864, and Deer Leap is one of the most recent; I have not the date here. The extent of that block of woodland is, I think I am right in saying, from seven to eight square miles; and, taken in connection with the great block of inclosures north of Brockenhurst and Beaulieu, makes 16 square miles of woodland in all, closely adjoining thickly-peopled districts, near which there is now next to no pasture at all. These four inclosures contained, according to a fair estimate, about 500 acres of good pasture land, a great deal of it perfectly open lawn. It is estimated, by a great many witnesses whose evidence I have taken pains to collect, that from 500 to 600 head of cattle fed regularly upon these lawns; and the poor are now so entirely deprived of that pasture, that they are ceasing to turn out their milch cows altogether; the farmers are ceasing to turn out their cows

to

to a considerable extent, and the dry cattle of the district are driven away to a considerable distance for forage. One farmer told me that upon 10 cows, by the diminution of the pasture by the inclosures, he estimates that he loses 15 lbs. of butter per week. Such cattle are now congregated upon the lawn called Burnt Furzen, near Brook, with of course proportionate damage to the feed of the neighbours; yet the Crown proposed within the last two years to make an inclosure of 1,050 acres, which would have taken the whole of that lawn, and have again driven the cattle away, besides taking the chief pasture of Bramshaw, Brook and the neighbourhood. The cattle which were dispossessed by the planting of these lawns (*pointing to the Plan*)* are now driven to this open place (*pointing it out on the Plan*). This place contains five times the number of cattle it used to contain; they come several miles to get there, and it is only the minority of commoners who can afford to send their cattle there from a distance, if they have to pay for watchers and drivers.

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*Lords Papers (No. 329), Sess. 1867.

426. Has that inclosure been abandoned?
It has been reduced by appeal; but it is only of late that we knew that we could appeal to the Commissioners.

427. Do I understand you to state that you did not know it?
We did not know that we had any appeal. The local Commissioners, as I understand from my father, who is one of them, when they were going had but short notice to be called together, and they did not see the plans of the inclosures until they were asked to approve of them.

428. Did they ask to see them?
I could not say.

429. Earl of *Romney*.] With regard to the power of appealing, has an appeal been given by any Act of Parliament?
The commoners were not aware of their means of redress, I should have said.

430. *Chairman*.] You spoke just now of the feelings of a great number of these poor commoners; has there been any representation of these feelings; have they been embodied in any way?
The Association received a brief memorial the other day which was originated by the people themselves; and if I might be allowed to read it, it would put you in possession of a number of facts which I could not state except at much greater length: it is a memorial to the Committee of the New Forest Association, praying them to use their influence to prevent further damage being done to people whose livelihood depends upon the forest remaining pasture as it is.

431. Duke of *Somerset*.] They pray them to prevent further inclosure altogether?
I am not prepared to be so exact as to say that, without reading the memorial. I will read it, if you will allow me. "To the Committee of the New Forest Association: Gentlemen,—We, the undersigned, being owners and occupiers of small parcels of land situated within or adjacent to the boundary of the New Forest, having observed that several large inclosures have been recently made in the said forest, and having learnt that the Commissioners of Woods and Forests contemplate making many more such inclosures, which will include very much of the best portion of pasture land therein, and entirely deprive us of the right of pasture which has been acceded to us, by the Commissioners appointed, as legitimate rights, also totally destroy pasturages for ages to come, although it may hereafter be again thrown open according to custom: Whereas such rights afford us a principal means of subsistence, for which some of us give increased rent, and others increased purchase-money for our several holdings; and as such a proceeding, over which we have no control, would have a most injurious effect upon, and we feel be unjust towards us, as it would much depreciate the value of our little properties, which of many is their sole possession, We humbly implore you to assist our endeavours to prevent such further inclosures being made, and thereby afford us a continuation of maintenance as heretofore, for which your Petitioners and families would ever feel grateful." It is signed by 125 persons, of whom 13 describe themselves as yeomen, 46 as freeholders, land-

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owners, and copyholders, 6 as occupiers of land, 1 as a farmer, 10 follow some trade, and 49 are labourers, and others.

432. And what they ask is, that we should repeal the Act of the 14th & 15th Victoria?

I should think it would hardly have occurred to individuals of this description to ask what their memorial would lead to; but I have had a suggestion from several, that it would be a great blessing, as one of my correspondents phrased it, if there were no inclosures made within a mile of the border of the forest; but that is only a suggestion, with reference to which I do not speak personally.

433. *Chairman.*] Have you any other evidence to offer with reference to this question of common rights?

There is one point which I should like to raise: I am not lawyer enough to venture to interpret the letter of the law, but I think that the spirit of the 43rd clause of the Deer Removal Act has not been observed in certain five inclosures, including two of the inclosures to which I have drawn your attention, namely, Shave Green and Brockis Hill. The 43rd clause of the 14th & 15th Victoria, chapter 76, provides, "That every inclosure to be from time to time made and set out by or on behalf of her Majesty from the waste lands of the said forest, by virtue of any Commission hereafter to be issued for the purpose, either under the authority of this Act or of the said recited Acts, shall be of the extent of 300 acres at the least, exclusive of the site of any public roads, ways, or paths which may intersect such inclosure." Now there are five inclosures, which I take from the Return made to Lord Nelson on the 7th of June 1866, which have been made since 1851, and none of which reached the requisite amount of 300 acres: they are, Broadley, 176 acres; Shave Green, 246; Brockis Hill, 160; Denny Lodge, 280, and Pound Hill, 235 acres.

434. Were those made under the Deer Removal Act, or under the Act of William the Third?

They are referred in this Return to the earlier Acts; but the words of the clause quoted are "hereafter" and "of this Act or of the said recited Acts," "the said recited Acts" being, as I learn from the preamble, the Act of William the Third and George the Third. I do not presume to interpret the words of this clause, but I think it was intended to be retrospective. The commoners complain that when the Crown thought fit to inclose a lawn, it was done, although this clause was expressly introduced to stop the planting of lawns; and, on the other hand, that when it suits the Crown to make a larger inclosure, it is made of the largest size possible, the powers given by the Acts being exercised in both cases to the detriment of the commoners.

435. Your point is that that clause in the Deer Removal Act obliges, for the future, the Crown to inclose nothing less than 300 acres, and that that affects the inclosures under the Deer Removal Act, and under the Act of William the Third?

Yes.

436. Duke of *Somerset.*] Whatever inclosure was made must have been made with the consent of the Commissioners?

I speak under correction: but if the inclosures were originally proposed by the Crown Commissioners, and laid before the local Commissioners, who are only laymen, whereas the others are officials, I think it was the duty of the former, as public officers, to prevent the negligence of the laymen involving the officials in the breach of such a clause as this.

437. Are you aware whether the Commissioners, who are magistrates of the county, have represented this?

I am not aware that attention has been drawn to it before.

438. We ought to have had that before us?

I was not aware of it till a very short time ago myself.

439. Have you any further statement to make with reference to this Act?

I should like to draw attention to the fact that, although the gentlemen opposing the Bill were given to understand, in the year 1851, that these very large powers of planting were not likely to prejudice the commoners, because the inclosures would take so long to make, I find, having gone into the figures with

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with a little care, that, by the estimate of several eminent surveyors, there are 30,000 acres of land in the forest which are by one described as worthless, and by others described as not fit for either timber or pasture. The Report of Mr. Howard, lately issued, states, at page 4, that there is a residue of land not yet covered with woodland, of 41,000 acres, and deducting the 30,000 acres from that, a balance remains of 11,000 acres of good land capable of bearing timber and pasture. I find by another passage in the Report of Mr. Howard, at page 11, that only 3,090 acres out of the number under the Deer Removal Act have yet been inclosed; therefore out of that 11,000 must come, first, 6,910 due under the Deer Removal Act, and to replace secondly, the inclosures to be thrown out in 1869 (the dates I have taken from the Return to Mr. Bonham-Carter) there are 910 more acres due next year, so that if the Crown exercises its full power, there would only be left for the commoners about 3000 acres of land after next year on which they can hope to find pasturage.

440. *Chairman.*] How will the Act affect the right of turbary?
I hear that the turf is getting scarce as each new inclosure diminishes the area from which turf can be taken, and then that from the poorest land is very gravelly.

441. But turf can be taken from parts of the forest where trees will not grow, can it not?
Yes, I find that it is generally so taken.

442. I suppose it is never taken from the lawns?
Our turf is always heath turf and not grass turf.

443. Duke of *Somerset.*] Is not the right of turbary in itself destructive to the pasturage of the forest?
I should say not; because if the turf cutters "take one and leave two," according to rule, the turf ought to grow again.

444. Do you believe that the right of turbary is not detrimental to pasture?
I can hardly answer the question, because I have never seen pasture and turbary together in the forest.

445. What effect, should you think, taking off the top of grazing land would have upon grazing?
I should say, in the forest, it is very rarely taken off land, except such as could not be termed grazing land. I do not know any forest land where turbary and and pasture are found together.

446. Does not it prevent the land from ever being again used for pasture?
There was never any pasture there before; the pasture is in the bottoms, and the turbary upon the heights.

447. *Chairman.*] Have you any suggestion that you would wish to offer, or any remedy to propose for the grievances which you have stated?
I do not think that I am competent to make any suggestions of that description.

The Witness is directed to withdraw.

LORD HENRY SCOTT, is called in; and Examined, as follows:

Lord *H. Scott.*

448. *Chairman.*] I BELIEVE you reside at Beaulieu, in the New Forest?
Yes, I do.

449. And therefore you are able to speak of the feelings of the poor commoners in the neighbourhood of Beaulieu with reference to the effects of the Deer Removal Act?
They think that a great injustice has been done, and is likely to be very much increased, with respect to inclosures which are made in the neighbourhood of the manor and the village, and they look upon it as such as could not have been done by any person occupying the position of a private individual; they think that no person in a private capacity could have made such an arrangement as has led to the injury they complain of, and they view it as the certain destruction of the value of the pasturage in the neighbourhood.

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450. Are you of opinion that the removal of the deer has been a sufficient compensation to the commoners for injury done to their rights by the inclosures contemplated and made in the forest?

The 16,000 acres would appear to be a very much greater compensation than the value of the deer, because those who know what the value of the deer was to the Crown have always stated that it was an actual loss.

451. We have heard it stated in evidence that the loss of the feeding of the deer in the winter months has very much damaged the pasture during the rest of the year; that the deer in the winter were accustomed to eat a great quantity of rough sedgy grass, which now interferes with the pasturage in the other months, and that that was an advantage; is that your opinion?

I have heard it so stated; but I could not say it was so from practical experience.

452. Are you aware of the inclosures which have been made recently in the neighbourhood of Beaulieu?

Yes, I have seen them.

453. Are they much complained of?

They are very much complained of, on account of there being such a mass of them together, and taking up what used to be the most valuable part of the feed in the neighbourhood.

454. Are there many persons having common rights in the neighbourhood of Beaulieu?

Yes, they are mostly tenants upon my estate; but there are a great number of people on the edge of the forest, especially on the west side, having small holdings, who could not exist there without the forest rights.

455. I presume that the forest rights, the rights of turning out cattle, are of no great value to large farmers; their stock is too valuable to turn out?

Not in the least; in fact, I know, from what my tenants have told me, that without the right of turning out into the forest, every one of my farms would be very seriously depreciated in value.

456. To persons who have small holdings, the right of turning out is of the greatest possible benefit?

Yes; because people who have two acres or two and a half acres could not keep their animals at all without it; they would be unable to keep any stock of any description.

457. Have you any remark to make upon the mode in which the inclosures have been carried out?

There is no doubt that the manner in which the inclosures are made is perfectly right and satisfactory as far as regards the Crown. If they wish to make the plantations profitable, they cannot proceed upon any other mode than that upon which they go at present, and in that respect, as far as the Crown is concerned, it is completely satisfactory; but as far as the commoners are concerned, the planting with fir, and the cutting of deep drains, must prove, and there is not the slightest doubt has proved, the complete destruction of the pasturage; for the effect of these inclosures (unless, after they are thrown open, the same value is returned to the commoners as was taken away), practically would be to render the land useless for purposes of pannage.

458. You have seen many of the inclosures, no doubt, that have been thrown out?

I have seen some in my neighbourhood, but not a great many; as I daresay your Lordship will see upon the map, there are not many near me that have been thrown out. But I have passed them constantly, and I have never yet seen cattle feeding in them; in fact, people in my neighbourhood tell me that cattle will not go into them on account of the coarseness of the grass, and the number of flies that attack them; they find that cattle will not feed in the inclosures.

459. Have you heard many complaints of cattle being lost in the inclosures which have been thrown out?

I have been told of them, but I have no practical experience of them myself. I have heard it stated.

460. Earl

460. Earl of *Devon.*] What distance do they leave the trees from each other, when the inclosures are thrown open?

In those that I have seen, the trees stand quite close together, as in a thick wood.

461. That is not contemplated as their permanent condition?

That I cannot say, but these are flung open with a view of their being for permanent pasture, and the trees stand thickly together, thicker than I should wish them to stand in my own woods for timber. There are one or two on the way to Brockenhurst station from Beaulieu, which I have had the opportunity of observing several times.

462. Earl of *Romney.*] What is there under those trees?

Brambles and fern, and coarse rank grass, such as you find in ordinary shooting covers.

463. Duke of *Somerset.*] I understand you to say that the plantations, so far as the Crown is concerned, that is, so far as the public interest is concerned, are made as profitable as they can be?

I believe that they are thoroughly well carried out in accordance with all the proper rules of planting; there is no complaint of that.

464. If, therefore, the system of planting is to be continued, it seems difficult to suggest any alteration in that system which would be an improvement?

I should not wish to suggest that there should be any alteration in the manner in which the Crown should plant its land; but what we would wish to suggest is, that when these inclosures are thrown open, the condition of the land should be of the same value for pasturage as when it was taken away from us. If it were a mere question of treating the whole forest simply in the interests of the Crown, there could be no doubt that the Crown would be doing quite right in making these inclosures as profitable as possible; but the Crown is under certain obligations to the commoners, and it has always struck me that it is bound to respect rights which are immemorial, and to return to the commoners the same value of land that it took away from them.

465. But before the Act of 1851 there were certain portions of forest planted under other Acts; now when those portions of forest were thrown open, were they left in a condition better for the commoners than the parts that are thrown open now?

They were certainly better in one respect, but not in others; I mean that those inclosures of which I have spoken already to the Committee, which were planted and were thrown open under the Act of Will. 3, and to which I suppose your Grace alludes, these certainly are practically useless for the purposes of pannage; and, as regards the inclosures which are now made, they are made with vast improvements, so far as planting is concerned, but they are very much worse as far as cattle are concerned; we have a very good opportunity of judging what the value of these inclosures will be as regards cattle at a future day.

466. Looking to this question, and the large amount of ground that is occupied by the forest, and the difficulty of satisfying on the one hand the fair rights of the Crown, and on the other hand the interests of the commoners, would it not be better to have an Inclosure Act, and to pay compensation to those who have rights, and to divide the land according to those rights among the people?

As far as I have had the opportunity of observing the forest, it does not seem to me that an inclosure is positively necessary, because I believe the interests of the Crown can be perfectly well promoted with due respect to the rights of commoners without any loss to the Crown, in fact with a great benefit to the Crown; but if an inclosure was to be made, the only plan that could be proceeded upon would be, that very ample compensation should be given for the rights of the commoners; but I could not give a recommendation as to whether an Inclosure Act would be advisable or not; I think myself, speaking as an individual, that the interests of the Crown might be perfectly well carried on, on a fair system with the commoners, without an Inclosure Act.

467. I asked you first, whether the system of planting could be altered and improved, and you stated that, as far as the profit to the Crown went, you did not

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not think the system could be altered, as I understood you, for the better. Now I want to know by what means you think the interests of the Crown could be promoted, and the interests of the commoners at the same time advanced?

That is a very large question, and one which must be settled upon a complete report and survey of the forest; taking into view what is the value of the commoners' rights, and what is the value of the Crown rights; but my belief is this, that a system of planting can be carried out on a more moderate scale than is the case at present, which will be quite sufficiently remunerative to the Crown, and that the Crown should, on throwing open the inclosures, put these inclosures into such a fit state for pasture as the commoners have a right to demand. That I believe can be done by sufficiently clearing the land of timber, and removing obstructions and things which are dangerous to cattle; in fact, doing what many people upon their own private estates do, namely, partially felling the wood and rendering the land fit for pasture. I have instances on my own estate in which it is treated in that manner, and which are perfectly successful, and therefore I believe, in that way, the profit to the Crown of these inclosures might not be at all impaired, and the beauty of the forest not destroyed, and a sufficient amount of timber could always be cut. Before the land was brought into a state fit for pasture, it would pay the Crown very handsomely.

468. From your knowledge of landed property, do you think that joint ownership of land is favourable to its good management?

I should say not generally so; but in all cases of joint ownership, the profits should be reciprocal; it should not work entirely in favour of one owner and not in favour of the other, but if it is to be carried on, I think it should be carried on in a fair spirit.

469. Earl of *Romney.*] You are of opinion that the interests of the tree-grower and the grass-grower are diametrically opposed?

That is to say, if you take the entire area of the forest to be for the sole use of the Crown for that purpose alone; but if it is only for its partial benefit, I should say the two might be carried on perfectly successfully.

470. But you say that where timber is grown, the Crown should clear the land, that is diminishing the area of the ground upon which they grow timber?

But they have an accumulating power under the Act of 1851, under which they take in as much as they throw out.

471. But while they are growing timber, the land is useless for grass?

And could not be useful for 40 years for the commoners.

472. *Chairman.*] And you think that the old inclosed land that is thrown out, ought to be so far thinned of timber, that grass would grow under the trees?

Yes.

473. And that it should be thrown out in that state before any fresh land is taken in?

Yes.

474. You do not object to the Crown throwing out 16,000 acres, so long as they have no more than 16,000 acres?

I do not object to that, provided that when the inclosures are thrown out, they are in a fit state for pasturage.

475. Do you recommend that there should be a certificate from some competent person with reference to the land being fit for pasturage, before the Crown should be entitled to plant fresh ground?

I think that would be only just, if the present system is to be carried on.

476. Have the Crown planted the best portion of the forest; do they exercise any choice?

Certainly,—the best portions have been selected,—they certainly do not take good and bad land together, but most of the best land in great pieces together; and it seems to me, if I may say so, that it is contrary to the preamble of the Act of 1851 that that should be done, because that Act states in its preamble that it is for the mutual benefit of the Crown and the commoners.

477. Earl of *Devon.*] Is it not the fact that no spot is selected for inclosure, except with the consent of those gentlemen who are Commissioners?

Yes, that is the case.

478. So that they would have the power of preventing land which they thought would be more profitable for other purposes from being planted. Supposing they withheld their assent, could the planting still go on?

I do not think they have the power, under the Act, of withholding their assent; the only power the Commissioners have is to select the land; they have no power to refuse to plant; they must plant a certain quantity, though they have the power of selecting the sites.

479. Have they power of objecting to planting in any particular spot?

Yes, they have; I may say, however, that seeing that it is very recently that I came to the forest, my experience cannot date very far back, but I think the Commissioners have not taken proper steps hitherto with regard to carrying out that provision. The proceedings of the commission have been carried on in so secret a manner that no one has been aware of what has been going to be planted until, in fact, the fences were set out. I can state this from my own experience. It was only last year that I became aware that a plantation was threatened in my immediate neighbourhood, which would have had a most serious effect upon the value of the pasturage around me. I became aware of it quite by accident, and pressed my objections before the Commission, who took them into consideration, and the inclosure which is marked down in blue, as one to be made in the neighbourhood of Beaulieu, was allowed to stand in abeyance.

480. *Chairman.*] It has been stated to us that the Commissioners have lately resolved to give publicity to the inclosures before they are made; was that done in your case?

No; I think it is the result of my representations to a very great extent that they have agreed to do so in future; I think it affects the small holders much more than it does the rich proprietors, because of course they have not the same knowledge of what is to be transacted, and not the same opportunity of making objections.

481. Earl of *Devon.*] You think that requiring formal notice that your interests were going to be affected in permanence, would be a very great advantage?

Yes.

482. As giving an opportunity to parties wishing to object, to make their objection to a particular spot being selected?

I consider that it is only right that people should know where inclosures are proposed, in order that the objections might be made and entertained by the Commissioners.

483. What class of persons are the small holders; are they holders of five or six acres of land?

They are mostly farmers who have bought the little properties in the neighbourhood; but the small holders generally are people who have small holdings of about two acres, or thereabouts.

484. Taking your own neighbourhood, how many do you suppose there are of that class who have rights of common in the forest who suffer in the way you have described?

I could not state that from my own experience, but I believe these claims are all known, inasmuch as they were registered by the Commission which sat to inquire into the forest.

485. Are those persons who live by day labour?

Yes, nearly the whole of them; alluding to the rights of the commoners, I would say that it has always struck me as a pity, that when the rights were ascertained, the value of those rights was not ascertained also at the same time, because I think it would have been more satisfactory both to the Crown and to the commoners that the value of their rights should have been ascertained; and if I might venture to make a recommendation of any sort, it would be that that should be done without delay, for I am sure that there is nobody in the forest (and I would speak for myself also) who would wish to claim more for the commoners than the proper value of their rights, and we do not claim anything more

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more for the commoners than that the value of our rights should not be impaired, and that is all we wish to impress upon the Committee.

486. Duke of *Somerset.*] That the rights of the commoners should be valued?
That the rights of the commoners should be valued, and that those rights should not be impaired, and that some settlement should be come to with the Crown to maintain the value of those rights in their integrity.

487. Have you heard many complaints about the winter heyning?
It has never been practically enforced. As far as my estate is concerned, my tenants tell me that the winter heyning has never been enforced; it was one of those things upon the subject of which Mr. Kennedy issued a notice, and it is one of those things which is claimed in Mr. Howard's report, which dealt with both the winter heyning and the fence months; but neither the one nor the other has been practically enforced.

488. *Chairman.*] The Crown claims the privilege of turning out all the beasts from the forest during the months of winter heyning?
Yes.

489. Earl of *Devon.*] From your experience, do you consider that the right of turning out beasts in the winter is of very great value to a man having a small place?
Of very great value; in fact, a man having a small place could only keep his cows by turning them out into the forest, according to the laws of *levant* and *couchant*; he could not feed them otherwise.

490. How does he manage in winter?
Practically, I suppose he cuts fern and other stuff. I do not know how he manages it.

491. Do many of your labourers, men earning the wages of able-bodied men, keep cows?
Not very many of my men. I allude to the persons who live chiefly on the borders of my estate, between that and the forest. They are mostly people who have very small holdings on the edge of the forest.

492. From your knowledge of the population, is it often said that the wildest and most rough, and least moral population, are those who are in such a situation?
We find that, most decidedly.

493. Therefore any process by which they were turned into labourers, supporting themselves by daily labour, would be for the benefit of the country?
Most certainly.

494. And most probably for the improvement of their moral habits?
Most certainly; they are persons who have acquired these rights from usage, and from the Crown having neglected to exercise its rights. If the Committee will allow me, I should like to call their attention to one fact, which I think would demonstrate to the Committee that the policy of the Crown has not been quite what the commoners had a right to expect; I do not think it is one which is at all in accordance with the proper carrying out of a joint ownership, which the noble Duke has just alluded to. If the Committee would excuse me for one minute, I should like to refer to a report of 1854: first, I should wish to call attention to the refusal of the Crown to use the money which was paid by the Southampton and Dorchester Railway Company to drain portions of the Forest. If you will turn to page 71, you will find that, in answer to the following question by the Chairman, "If you were to go to the expense of draining that land, you would make it more valuable to those gentlemen, and in point of fact it would increase their demands upon the Crown?" Mr. Kennedy says, "Yes, and that prevented that being done," and he blames the Board for not taking into consideration the draining. That is one point in which we think that the Crown is not acting fairly by us, considering that that money was given to be applied for the mutual benefit of the Crown and the commoners, and it is an objection that it should not be so used. And further on, at page 123, Mr. Cumberbatch says in his letter, "It appears to me to be important that the Crown should, as soon as possible, exercise its right of inclosing the 16,000 acres, because, exclusive of other advantages, by

so

so doing all the best pasture would be taken from the commoners, and the value of their rights of pasture would thus be materially diminished, which would be of importance to the Crown in the event of any such rights being commuted, as suggested in the 31st Report to Parliament." These things have struck me, on looking into this question, as not being a fair way to treat the value of the rights of the commoners; and considering that they are so ancient, and even date from time immemorial, and in many cases are antecedent to rights possessed by the Crown over the forest, I am quite sure that if the Crown had proceeded on another principle, on the principle of working the forest for the mutual benefit of the Crown and the commoners, there would not have been this outcry that there has been; but we feel that with that evidence before us of the intention of the Crown to occupy the best lands of the forest, and to diminish the value of the rights of the commoners with a view to future inclosure, the result of which would be nothing more nor less than the entire confiscation of our rights, if we do not appeal now, we shall one day be in the position of being too late to do so.

495. Earl of *Romney.*] The Crown having received that money, you hold that you, as the commoner, have a share in the benefit of its application?

When the money was given, it was so stated in the Act; I think it was the 8 & 9 Vict. c. 93.

496. And that both parties would have received benefit if the drainage had been carried out?

Yes.

497. The commoners have received injury by that drainage not having been done?

Yes, and the reason assigned for not draining is that, as I read to you, it would be for the benefit of the commoners.

498. *Chairman.*] Does Mr. Cumberbatch allude to the advantage of planting the best parts of the forest also with a view to improve the Crown property?

I think, if you refer back, you will see that he says something about that. He says, a little further back in that letter which I read to your Lordships: "Because if the Crown does exercise its right of enclosing 16,000 acres, and the best land for planting is enclosed, these portions selected in 1851 will necessarily be included within such more extensive plantations, because the surrounding land is almost the only land which would be worth planting."

499. Earl of *Devon.*] With reference to this point, in the third section of chapter 76 of the 14 & 15 Victoria, I see that there it is excepted from the land which it shall be lawful to plant, "such lands as have been drained with tiles by money received from the Crown from the Southampton and Dorchester Railway Company in compensation for portions of the forest taken by the Company for the purpose of their works;" it appears, therefore, from that, that certain ands were drained by the expenditure of that money?

Does not that allude to a previous draining that took place?

500. This Act was passed in 1851; it alludes to some previous drainage, but it speaks of the drainage as having been effected by money received from the railway company?

I never heard of that.

501. You do not know what quantity of land was drained?

I know it is believed that a very small portion of that money, if any, was expended; I heard it stated there was none expended.

502. Lord *Fitzwalter.*] Do you think in cases of inclosure it would be of great advantage that the tracks which had been formerly used should be left open; we have heard something about highways being stopped up when inclosures have been made; has that been of practical inconvenience in your neighbourhood?

I have heard it reported so, but my experience will not enable me to speak from personal knowledge of it.

503. I suppose, in a pine wood, if you required the land in a state fit for pasture, the consequence of that would be that every tree must be cut, because you could not leave here and there a fir tree; they would blow down?

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There would be no object in leaving fir trees, because the practical value of fir trees is for pit props; they are used for the purpose of nursing the oak; and then when the oak had grown to a certain height, the fir trees are cut down, and sold at a considerable profit.

504. There is a portion of the forest where only fir trees are planted?
I think that is the case only in some of the older inclosures of the forest.

505. *Chairman.*] They are only used for nurses?
They are only used for nurses.

506. Now, have you any remedy to suggest for these grievances that have been complained of?
It is rather a difficult matter for me to suggest a remedy; that, I think, would rest very much with the Committee, upon the hearing of the whole evidence which is to come before them. I can only speak of what remedy I might suggest from knowing my own side of the case. Any remedy must be effected with a view of doing equal justice both to the Crown and the commoners. There are three suggestions which have occurred to me: one is, that the power of the Crown as to the actual acreage which is given under the Act of 1851 might be diminished; another, that there might be a fixed acreage given to be planted once for all; or that when a given acreage had been granted, power to take the like acreage which is given under the Act should not be used until the land so thrown out should be cleared, and rendered fit for pasture. These are the suggestions that would occur to my mind; of course it will be for the Committee to declare which would mete out the most equal justice to both parties concerned.

507. Earl of *Romney.*] In using that word "cleared," do you mean that there should be a thorough clearance, or that the oaks should be left after the fir trees were taken away?
I think that a clearance might be effected, without making a clean sweep, which would leave the land exceedingly valuable; for I have noticed, in other parts of England, land which is very good pasture, upon which there are magnificent oak trees growing, giving a park-like appearance to the country, without at the same time destroying the pasture in the least; and I believe that that system might be perfectly well carried out by leaving the oaks at considerable distances from each other, as they are left in parks.

508. *Chairman.*] From 40 to 60 trees might be left to the acre, and yet leave good pasture?
Yes; there are some parts of my land which afford very good pasture, and yet bear comparatively good timber.

509. Lord *Fitzwalter.*] Does not the circumstance of the pasture being under the shade of the oak trees make it, comparatively speaking, very bad?
Comparatively speaking, it is not so good as a complete clearance would render it; but what I had in view, in saying that it should not be a complete and entirely clean sweep, was that there is a certain class of oaks which can be grown at a great advantage specially for timber, which cannot come to maturity under something like 80 years, when the commoners would certainly be willing to retain the pasturage which was left between them. The firs would be removed, as I have stated that that is only profitable as a nurse for the oak, and for pit props afterwards.

510. Earl of *Devon.*] Is larch planted extensively in the New Forest?
There are some in the inclosure near my estate.

511. They are not treated as nurses, I think?
I have not observed that they are so in my neighbourhood.

The Witness is directed to withdraw.

Mr. HENRY BONE is called in; and Examined as follows:

512. *Chairman.*] I BELIEVE you rent a farm in the neighbourhood of Ringwood, do you not?
I do.

513. Have you been employed also in valuing land?
I have.

514. Both woodland and other land?
Yes.

515. Have you been lately employed in visiting any part of the New Forest?
I have.

516. Have you examined those parts of the forest which were before inclosed and are now thrown open?
I have.

517. Will you state to the Committee in what condition you found that land. There is a page in Mr. Howard's Report, which mentions the various spots, and which you have no doubt seen; will you begin with Ocknell, and state in what condition you found the land there?
I found in some parts of Ocknell, where there are very few or no trees, that there is some pasture. Where the timber is regularly planted there is no pasture or underwood; the surface of the land is covered by moss and whortleberry.

518. Can you give us any information with regard to Pitts?
I have not seen Pitts. Pitts is in the northern division of the forest.

519. Are you acquainted with the facts relative to Sloden?
The description which I have given of Ocknell applies to Sloden.

520. Long Beach Hill?
Long Beach Hill is not in the southern district.

521. Perhaps you will read your account of what places you have visited?
"Rhinefield Sandys, no pasture worthy the name. Aldridge Hill, some poor weak grasses of a kind unappreciated by cattle. Norley Wood, considerable quantity of underwood; pasture useless in summer. Wilverley, the south side much covered with bramble, &c.; on the north side no pasture. Wootton (which was thrown out in 1851), covered thickly with underwood and surface-drains. Another portion which was thrown out in 1829 has but little timber on it; there is some better pasture there. Holly Hatch; considerable quantity of underwood and briars; useful as browse to cattle in winter, pasturage nil. New Coppice; thickly covered with underwood and blackthorn. In a considerable portion of this inclosure, the latter is so thick and strong as to present an impenetrable barrier to cattle; the pasture is worthless. Broomey; some scant pasturage in parts where the trees are thinly planted. Hurst Hill, large quantity of underwood; pasturage none. Stockley, some underwood; no pasture. Burley, New; covered with underwood, briars, surface-drains; the pasturage is valueless. Lodge Hill; very thickly covered by underwood, no appearance of pasture. Church Place; the foregoing description applies. Holmsley; considerable quantity of underwood, no pasture of use to cattle. Anderwood; underwood, briars, &c., no pasture of value. Roe; large quantity of underwood and briars, &c.; the pasture very spare, on a very limited space. Sett-thorns; on the south side a considerable quantity of underwood and briars, with some sparse pasture; on the north side, no pasture. Holm Hill; a considerable quantity of underwood, pasturage very trifling."

522. How much land is contained in these inclosures which you have just enumerated?
That I have not added up, but I can soon get it from the Report.

523. Taking them together, you find that there is no real pasture to be found, or what there is is of a very indifferent character?
Very indifferent indeed.

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524. Do the trees stand thickly upon those places?
Generally, excepting those which I have spoken of, as in Ocknell, or in some places where either from accident or design the trees have given way, or have been taken away; there, there is some pasture.

525. How many trees would there be to an acre where they were thinly planted?
I did not go into that.

526. Earl of *Romney.*] What sort of timber have you been speaking of?
Oak; but some portions of these inclosures have firs set upon them.

527. *Chairman.*] Are the inclosures cut up a good deal with ditches?
In some portions of them with deep drains.

528. That would make it dangerous for cattle, would it not?
Yes, it would make it very inconvenient for cattle to get about in them.

529. How is the drainage of the inclosures; is that very perfect?
I think the management of the drainage of the inclosures is very fair.

530. Has that drainage affected the land adjoining?
Yes, in some instances it throws the water right upon the land lying lower and makes a marsh, and destroys all the finer class of grasses.

531. But I presume that water could be very easily carried away by increasing the size of the brooks?
Yes; in fact the inconvenience might be entirely obviated if attention were paid to it.

532. And without very great expense?
I do not think it would cause any very great expense.

533. Duke of *Somerset.*] From your knowlege of land generally, is it not the fact that pasturage under trees where the trees are at all thickly planted must be inferior to that on clear land?
Yes, it will be inferior under trees.

534. Therefore, in fact, the planting of the New Forest, so long as it goes on, must be detrimental to the pasture of the forest?
Decidedly so.

535. How long have you been upon your farm near Ringwood?
I live between Ringwood and Christchurch, and I have lived there 18 years.

536. You were not there long before the Act of 1851?
No, I was in Dorsetshire before 1851; but I am a native of that part of the country, and I know the New Forest very well.

537. Before the Act of 1851 other plantations had been thrown out which had been previously planted?
Some of these inclosures here given were thrown out before 1851.

538. I am not asking about these inclosures, but I am asking you with regard to your general knowledge of the forest; the old plan before the Act of 1851 was to inclose certain land, and, after the trees had grown to a certain size, to throw it out?
Yes.

539. That must have been as destructive to the pasturage as the present system, although it was not upon so large a scale?
Probably so, but I cannot pretend to go into that; 20 years ago my knowledge would not have been sufficient to enable me to go into things of that kind; I can only give you my knowledge of things I see now.

540. *Chairman.*] But if you knew the forest in 1851, you might know that the whole amount of inclosure, according to the Report laid upon the Table of the House of Lords, was only 1,700 acres at that time?
I have not gone into these things.

541. You speak only with reference to the inclosures which have been thrown out, upon which you have been examined?
That is all I know.

542. Earl of *Devon.*] Could you inform the Committee, with regard to any of them, what number of trees there are left per acre?
No, I could not.

The Witness is directed to withdraw.

Mr. GILES WESTBURY is called in; and Examined, as follows:

543. *Chairman.*] You are, I believe, a Surveyor living at Andover?
Yes, I am.

544. Have you been employed lately in going over the New Forest?
I have.

545. Will you inform the Committee in what condition you found those parts of the forest which had been formerly inclosed, and which are now thrown open?
I will now read the report which I sent in.

546. What was the state of the pasture in the part of the forest which appeared to be the natural forest?
There is some pasture, which in some cases is very good pasture, in what is called the Old Forest. I say in my report, that "I find a considerable amount of pasture in places, many spots without trees, others with single trees, and here there is a fair pasture; other spots with strong growing furze, and in places masses of beech. Where the furze is strong there is but little feed, and less still where beech prevails."

547. Now, in regard to those parts which are stated to have been inclosed and thrown open previous to the present century, what remarks have you to make?
I say, "The same remarks pretty generally apply."

548. With regard to those spots thrown open previously to 1851, what is your report?
I say: "Here, generally speaking, there is some pasture, but not so good as there is in the first and second parts, so much of the ground being regularly cropped with trees, and the open spaces apparently being spots where the trees had in their early stages died and were not replanted." My next remark applies to those thrown out since 1851. I say: "I find extremely little pasturage, nor can I anticipate a probable increase. The trees are generally, if not altogether, very thick, and in most parts a great quantity of brambles, bushes, and underwood are growing; hollies are getting up, and, with the exception of the rides and walks, the cattle have no vacant spots on which to feed; and I observed, too, where the trees were growing tallest and best, and where there appeared less undergrowth, there, on thinning the trees, the brambles were extending and covering the ground. For want of air, and from the abundance of flies, the cattle do not go to any extent into these plantations in the summer months, and especially by day, and this of course promotes the growth of bushes, underwood, &c. In some of these plantations, too, there are many deep ditches and drains which render the feeding dangerous. In fact, the main pasturage under trees standing so thick is long sour blades of coarse grass, which cattle do not like."

549. Have you been accustomed to the valuation of woods?
Not the valuation of woods for pasturage, because I scarcely know any in that state. I only had to do with one forest that had been fed with cattle, and that was some years ago; that was inclosed, and cattle excluded from it.

550. Duke of *Somerset.*] What forest was that?
That was Pamber Forest, belonging to Mr. Benyon; and there was a portion of a wood at Andover set out for the commoners, for their cattle to feed.

Mr. G. Westbury. 16th June 1868.

551. *Chairman.*] Do the trees stand very thick upon that portion that you are speaking of now, where the cattle feed.

No, that is the ground near Andover, and the trees do not stand thickly there.

552. Do you think that anything like 40 trees could be put to an acre, giving anything like pasture underneath?

My impression is, that when trees stand thinly together, the bushes and brambles grow to that extent that the cattle get no food. I observed, especially in one wood, that where the trees had been thinned, there the brambles had been extending rapidly.

553. But if the cattle and ponies were turned out in the winter, they would feed the brambles down, would they not?

Yes, they would.

554. And then the pasture would be worth something?

I have not much faith in pasture where there are trees.

555. Duke of *Somerset.*] You have been in the New Forest lately, have you not?

I have gone over a good deal of the New Forest; I was in it four days.

556. And, from your general knowledge of land in the country, do you think that that sort of joint ownership, where the Crown has to plant, and then open the land for pasture, can be at the same time profitable to the Crown and profitable to the commoners?

I do not think that any joint ownership is ever as profitable to two parties as land held in severalty.

557. It would be much better, then, to have an inclosure, for the interests of both parties?

I cannot say that I think it would, for the small commoners especially.

558. Why could not the small commoners be compensated for their rights to turn out cows; say two, or whatever the number may be.

I do not know what extent of ground they would get.

559. Do you not think they could be compensated in money?

I do not think they could be compensated in money, because it is a right from which every man who abuts upon the common gets more than you could well estimate.

560. That is to say, he gets more than the two cows ought to be supposed to give him, because the larger proprietors do not turn their cattle out?

I do not understand what they get, but I understand that the smaller holder gets the greater benefit; generally speaking, they attend to their cattle themselves.

561. Earl of *Romney.*] They get a great deal more than you could value the keep of the cattle at, at so much a week?

Certainly.

562. *Chairman.*] You think that you could not estimate the value accurately?

No, certainly not.

563. Earl of *Devon.*] What would be the value, to let annually, of the land which you visited which had been longest released from inclosure?

I could not say that I gave my attention to that at all; because in riding through the plantations, and taking the acreage from the map, I could not tell to what extent the trees had died off, and what would be included in, say 200 acres; there might be some places where the trees had died away, and there there would be a larger extent of pasture.

564. Take Ocknell, which was laid open in 1815; you could not give me the value of that land to let, could you?

No, I could not, because that I know embraces a wood, and I could not tell the original boundary of the plantation.

565. Could you not tell me the value of any piece of wood?

No, I could not in the way that you wish; I have made some special remark about

about Ocknell, I think: "Ocknell thrown out in 1815; many parts very few trees, and great quantity of fern;" that meant that there was not so many bushes. Mr. *G. Westbury.* 16th June 1868.

566. You say that 40 trees could not stand upon an acre without damage to the pasture; are you able to say how many trees could; I do not refer to beech, but I refer to oak; could ten oak trees?

If ten oak trees stood upon a sufficient space for their growth to be well matured only, there would be a large spot on which there would be good pasturage.

567. *Chairman.*] It depends upon the sun to some extent, does it not?

No doubt it does. If I may make a remark, I would say that it appears that from the new mode which has been adopted, the pasturage will be very scant in the new plantations when they come to be thrown out; I mean that there will be such a regular crop of trees in all these inclosures, that there will be no vacant spots.

568. Duke of *Somerset.*] The planting will be more regular?

The planting will be better done.

569. And that is, of course, more destructive to pasture?

That is more destructive to pasture, and there are many spots that I saw where the cattle could not get into them; there are blind ditches and brambles and other things that would prevent them.

570. *Chairman.*] Have you anything else to state to the Committee?

With reference to the new and proposed new inclosures, I state in my report that, "I consider, from the perfect manner in which the new plantations are being made, there is and will be still less pasturage than anywhere else; I assume that where trees fail, others will be planted, and these plantations can never have anything of a forest character, but simply that of immense woods of oak and fir; this applies, too, very strongly to those portions thrown out in 1851, and in some degree to those thrown out between 1815 and 1851. The great number of drains and ditches in the new inclosures will render feeding very dangerous, and the great extent of the inclosures will in a great degree confine the cattle to particular spots, and prevent their roaming about in search of food, the only ways of communication being the rides through these new plantations."

571. Duke of *Somerset.*] But you observe that the same evil exists, though in a less extent, with the land that was thrown out between 1815 and 1851?

Yes, between 1815 and 1851, where there was a regular crop of trees.

572. Where there was a regular crop of trees, although it was thrown open, there was equally deficient pasturage?

Yes; but it seems to me, that as far as regards the growth of bushes, and hollies, and heath, upon the uninclosed parts, it is all extending, and you can see that where they used to be browsed off, they are now extending and becoming one perfect mass. There was one wood that I especially noticed that had been thrown out; I observed at Wolverley, which has been thrown out 22 years, that pasturage is of the smallest extent possible; and if the bushes cannot be got down in 22 years, I am at a loss to know when they will be got down, particularly as there were deer upon that portion of the forest.

The Witness is directed to withdraw.

The Honourable JAMES KENNETH HOWARD is called in; and Examined, as follows:

573. *Chairman.*] I BELIEVE you are a Commissioner of Woods, in charge of the Royal Forests? Hon. *J. K. Howard.*

Yes, I am.

574. And, as such Commissioner, you have charge of the New Forest?

I have.

575. When were you appointed?

I was appointed in 1855.

 576. You

Hon. *J. K. Howard.*

16th June 1868.

576. You were not a Commissioner when the Deer Removal Act was passed?
I was not.

577. But you are well acquainted with the provisions of the Act?
I am.

578. Are you aware of the circumstances under which it was obtained?
I am.

579. Will you state the circumstances to the Committee?
The circumstances were stated in my Draft Report to the Treasury of the 5th of December last, which was laid before your Lordships' House, and if your Lordships please, I will read an extract; but perhaps you would not wish to be troubled with it.

580. We shall be glad to hear it?
It begins at the bottom of page 7. "In the Session of 1848, a Select Committee was appointed by the House of Commons to inquire into the management of the Woods, Forests, and Land Revenues of the Crown, and much evidence was given before that Committee as to the evils resulting from the keeping of a stock of deer in the New Forest, such as the depredations committed, the increased cost of fencing thrown on landowners whose property adjoined the forest, and the demoralizing influence upon the lower orders resulting from the temptation to deer-stealing. The Committee, in their Report, dated the 25th July 1848, adverted to the prejudicial effects of the intermixture of the rights of the Crown and individuals in, among other Royal Forests, to New Forest, although the Committee did not consider the evidence sufficiently complete to enable them to make a specific and final recommendation. The Committee was re-appointed in 1849, but at the close of the Session had only reported to the House the evidence taken, without any expression of the opinion of the Committee. In the year 1849 an Act was passed, authorising Her Majesty to issue a Commission to inquire into and report upon rights or claims over the New Forest and Waltban Forest. A Commission was issued accordingly, and the Report of the Commissioners (who were Lord Portman, and Messrs. Dampier and Daly, Barristers-at-Law) was laid before the House of Commons in 1850. (Parliamentary Paper, No. 707.) In that Report the Commissioners (p. 9) stated, that they saw no objection to the proposal made in a sub-report by their secretary (pp. 43. 47) for an arrangement for the removal of the deer from the New Forest, provided some proper agreement were made for an allotment to the Crown. In the sub-report, mention was made (p. 43) of the damage and prejudice to the proprietors of lands within the forest occasioned by the trespassing and depredations of the deer; of the expense of fencing out the deer, computed by one witness to cost double the price of ordinary park fencing; of the fact, that, notwithstanding that expense and fencing, the deer, and especially the red deer, committed such depredations as to constitute a serious bar to the improvement and better cultivation of private property in the forest; and (p. 44, notice was taken of the demoralisation of the poor population in the neighbourhood, the temptation to deer-stealing, the cost of prosecution thrown on the rate-payers, and consequently the wish, which might be said to prevail throughout the forest and its neighbourhood, to have the deer destroyed or removed. The Report of the Commissioners under the Act of 1849, with the sub-report of their secretary, was laid before the House of Commons in the Session of 1850, and was ordered to be printed on the 14th of August of that year; and in the month of November following, the usual notices required by the Standing Orders of both Houses of Parliament were given in local newspapers, and in the 'London Gazette,' of an intention to apply to Parliament, in the Session of 1851, for an Act to extinguish the right of the Crown to keep deer in the New Forest, and to give compensation in lieu of such right. A Bill to that effect was introduced by the Government into the House of Commons in the Session of 1851, and shortly afterwards the Standing Orders were found to have been duly complied with. The second reading was carried, after some debate, and a division, in which 82 members voted for the second reading, and 28 members voted against it, and two petitions having been afterwards presented against the measure, it was referred to a Select Committee. The Bill, as introduced, proposed that the deer in the New Forest should be removed, that the right of the Crown to keep deer there should cease, and (in accordance, in that respect, with the Bill which passed the

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the House of Commons in 1792) that, under the authority of Commissioners to be issued for that purpose, 14,000 acres should be inclosed out of the wastes of the New Forests, to be held by the Crown in severalty for the growth and preservation of timber; and when the trees in the inclosures were past danger of browsing of cattle, or other prejudice, the inclosures might, from time to time, be thrown open, and an equivalent quantity of land be, from time to time, inclosed. Although the quantity (14,000 acres) mentioned in the Bill as introduced was the same as the quantity specified in the Bill of 1792, the Bill of 1851, as originally framed, differed from the Bill of 1792 in two important particulars: 1. The right of the Crown to keep deer was, by the Bill of 1851, to be extinguished, instead of being suspended only, as it was intended to be by the Bill of 1792; and 2. The rights of the commoners were left by the Bill of 1851 in their existing condition, instead of being enlarged (so long as the inclosures existed), as they were by the Bill of 1792, so as to be exercisable during the whole instead of only during rather less than one-half of the year. One of the petitions against the Bill of 1851 was presented by his Grace the Duke of Buccleuch, the Earl of Malmesbury and other owners of land in the New Forest, and of rights of common over the 63,000 acres belonging to the Crown. Among other grounds of objection to the Bill, the noble petitioners urged that the compensation demanded by the Crown for the relinquishment of its right to stock and keep the forest stocked with deer was out of all proportion to any benefit which the commoners would derive by the extinguishment of such rights of the Crown. The petitions against the Bill were referred to the Select Committee thereon, of which the present Speaker of the House of Commons was Chairman. The late Mr. Compton, one of the Members for South Hampshire, and himself a commoner in the forest, was also upon the Committee. The Select Committee met on the 25th June 1851, and after hearing counsel for the Bill, and counsel (the late Mr. Talbot, Q. C.) on behalf of the petitioners against the measure, the Committee declared the preamble proved. The counsel for the petitioners thereupon withdrew, intimating, at the same time, that the opposition would be renewed in the House of Lords. The Committee afterwards passed the clauses of the Bill substantially as introduced, and which sanctioned the inclosure of 14,000 acres, from time to time, in lieu of the Crown's right to keep deer. Meetings afterwards took place between the first Commissioner of Woods and an influential landowner entitled to rights of common, and between the solicitors of this department and Mr. Coxwell, solicitor to petitioners against the Bill; and ultimately, in order to remove all possible objection to the measure, the advisers of the Crown felt themselves justified in recommending that the quantity of land to be inclosed at any one time, under the authority of the Act, should be reduced from 14,000 acres to 10,000 acres, that no inclosure under the authority of that Act, or of the previous Acts, should thenceforth be less than 300 acres in extent, and that clauses should be inserted in the Bill for ascertaining and defining the rights of common exerciseable over the forest. The Committee re-assembled on the 17th of July 1851, when amendments were made to carry the above modifications into effect; and the Bill, so amended, passed both Houses of Parliament without further opposition. It received the Royal Assent on the 7th August 1851, under the title of "An Act to extinguish the Right of the Crown to Deer in the New Forest, and to give Compensation in lieu thereof, and for other purposes relating to the said Forest. 14th and 15th Victoria, chapter 76?"

Those are the circumstances under which the Deer Removal Act was obtained.

581. To what extent have the provisions of the Deer Removal Act been carried out?

The provisions of the Deer Removal Act have been carried out only to the extent of inclosing out of the 10,000 acres which the Crown has a right to inclose and keep in severalty, 3,090 acres up to the present time.

582. The total amount that the Crown have the power to inclose under the 9th & 10th of Will. 3, and the Deer Removal Act, is 16,000 acres?

Sixteen thousand acres. The 6,000 acres under the Act of Will. 3 are inclosed, and there are now inclosed 3,090 acres out of the 10,000 acres; but there remains to be inclosed the residue of the 10,000 acres, which is nearly 7,000 acres.

583. Are you aware that it has been represented to this House that the

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operations of the Deer Removal Act, and the mode in which its provisions are to be carried out, promises to work great injustice to the commoners, and to be the total confiscation of their rights; what is your opinion upon that point?

I consider the representation of the commoners to be unfounded, and to be based upon a misapprehension of the relative rights of the Crown and the commoners. It is unfounded, because the operations of the Act will not have the effect of confiscating the rights of commoners, inasmuch as by the provisions of the Act the commoners must always have 47,000 acres of uninclosed waste over which to exercise their rights.

584. And of those 47,000 acres, how many are worth anything on account of the pasturage thereon?

The pasturage differs very much in various portions of the forest. The suggestions of the commoners are based upon a misapprehension of the relative rights of the Crown and the commoners, as I stated, because they assume that the rights of the Crown are subservient to the rights of the commoners; whereas, the reverse is the fact; the rights of the Crown are, and always have been, paramount in the forest; and the rights of the commoners are, and always have been, subservient to those paramount rights of the Crown.

585. Earl of *Romney.*] How do you show that?

The solicitor would show that; it is a question of law, and I should not speak with authority upon that point, but I take that view from the opinion of law officers.

586. *Chairman.*] I observe that, in your Report, you state that the Crown has forestal rights over the 26,000 acres of private property, in addition to the remaining 63,000 acres?

That is a question which Mr. Gardner, the solicitor of the Woods and Forests, will be better able to answer, and with more authority, than I can. I take it to be so from the opinion of the law officers; but it only seems reasonable to suppose that all private properties within the ambit of the forest were and are subject to forestal rights, if the owners of property cannot show that these rights have been granted away by the Crown, or been otherwise redeemed.

587. You are aware that some of the owners of properties absolutely deny the existence of those rights?

I am aware that they do, and Mr. Esdaile, who has been examined, denies it. With reference to Burley Manor, it is within the regard of the forest, and every manor that is within the regard of the forest is subject to forestal rights.

588. Lord *Stanley of Alderley.*] What do you consider to be forestal rights, other than those of keeping deer?

They are numerous; there is the right of keeping deer and all beasts of the forest; there is the right of shooting.

589. What I want to gather is, what remains of forestal rights to the Crown, after giving up the right of keeping deer?

The right of shooting, fishing, and fowling generally over the forest.

590. *Chairman.*] But Burley Manor is, as you say, within the regard of the forest; the old forest laws would apply to it; a person could not build a house within the Burley Manor?

I presume if the law were strictly carried out that would be so.

591. I think I know something of Burley Manor; but I do not think anyone has ever ventured to exercise those rights?

I daresay they would not in these times; but no doubt 600 or 700 years ago they did exercise them.

592. The question is whether the rights exist at this moment; you are aware that one of the rights is the right of chase, and the Crown claimed the right that the deer should stray over the lands in the forest, but at the same time compensation was given to the landowners of the forest for not destroying the deer?

The landowners received a buck or two, I suppose, as compensation for the damage that the deer did.

593. I think I remember some evidence given by Mr. Compton, an old friend of

of many persons here, who lived in the centre of the forest, to the effect that if the amount of deer was too large, he should, without scruple, throw up the compensation he received, and shoot the deer?

I think he would have rendered himself liable to legal proceedings by doing so.

594. Are you aware that in the proceedings of 1848 and 1849 there was a letter from the Lord Warden of the Forest, Mr. Sturges Bourne, himself a very good lawyer, in which he admitted the right of proprietors to shoot the deer?

I am not aware of that letter.

595. Lord *Stanley of Alderley.*] Still whatever rights of that kind there were, were extinguished by the Act of 1851, were they not?

No, assuming that the rights referred to are those of the Crown.

596. By removing the deer, the deer could no longer do any mischief?

No; the 7th section of the Act expressly declares, "Provided always, that notwithstanding the removal of the deer, and the extinguishment of the right to keep deer therein, the said forest shall, to all intents and purposes whatsoever, remain vested in Her Majesty, her heirs and successors, in like manner, and to the same extent as it was immediately before the passing of this Act; and nothing in this Act contained, or which may be done in pursuance thereof, shall be held to take away, alter, or affect any rights or privileges whatsoever of Her Majesty, her heirs and successors, in, over, and upon the said forest, other than the right of keeping deer therein."

597. *Chairman.*] By that section, the right of reserving the fence month and winter heyning is maintained?

Yes; and that right was also maintained by the Commissioners appointed to investigate the rights of the commoners, who held that the commoners could not exercise their rights within those seasons.

598. Did they not hold that opinion owing to the fence month and winter heyning being expressly mentioned in the 9th & 10th of Will. 3?

I cannot say.

599. I thought that it was stated perfectly clearly that that was the reason, that having been enacted by the statute, it was necessary to have a statutory enactment to repeal this matter?

I could not say.

600. Lord *Stanley of Alderley.*] Was not it the case that that winter heyning was not exercised strictly before the passing of that Act?

No; nor has it been strictly exercised since.

601. So that the commoners have not been deprived of that right?

No; if the right were acquired now, it ought to be acquired by compensation to the Crown.

602. Duke of *Somerset.*] You mean that if it is legally given up, there ought to be compensation to the Crown for so abandoning it?

Yes.

603. You consider that the winter heyning and the fence months are rights that the Crown reserved by the 7th section of the Act of 1851?

Yes.

604. And if those rights are to be given up, you consider that the Crown ought to have a compensation for so giving them up?

Certainly.

605. *Chairman.*] But were not those rights dependent upon the existence of the deer, and established to protect the deer during the fawning season?

Yes. The protection of the deer was one of the objects.

606. And was not the heyning established to give the deer an uninterrupted run, to enable them to browse during the winter months?

Yes.

607. And if those rights had not been specially mentioned in the Act of

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William the Third, when the deer were removed, would not the rights have dropped as a matter of course?
Not as a matter of course.

608. They were only secured by forest law?
They were secured by the Act of 1851.

609. That was because they were secured in the first instance, in the 9th & 10th of Will. 3; there is a special clause in the Act of the 9th and 10th of Will. 3, securing those rights, and then the deer existed in the forest. When the deer were removed, if it had not been for that special enactment in the 9th & 10th of Will. 3, by the customs of all forests, the forest being disafforested, *quoad* the deer, these rights would have been extinguished?
I think that that is a legal question.

610. Lord *Stanley of Alderley.*] Whether they would legally expire upon the disafforesting of the forest or not, it was not a privilege which the foresters had enjoyed before. They had not the right during this winter heyning of turning out their cattle?
Certainly not.

611. So that they could not complain that they were deprived of a right which they would have previously possessed, in consequence of the Deer Removal Act?
No.

612. And if the Crown gave it up, the right, they would be entitled to compensation in respect of giving it up?
Certainly.

613. *Chairman.*] You mentioned that, deducting 26,000 acres of private property, there was a residue of 63,000 acres; I observe in all former examinations and reports the forest is stated as 66,000 acres, both by Mr. Clutton and Mr. Wood; have you had a re-measurement of the forest?
No, we have had no re-measurement, as that would be a very expensive job; there were three Acts in 1800 and 1801, in all of which a certain map was mentioned, which was ordered to be made at that time, and a very good map it would have been if finished, but unfortunately it never was finished, and there has been no actual survey of the forest to ascertain the measurement.

614. Then why do you make a difference between your statement and that of Mr. Clutton?
Ninety-one thousand is supposed to be the total acreage within the ambit of the forest; the 63,000 acres is that of which the soil and freehold are vested in the Crown, and upon which the Crown is entitled to the timber and forestal rights. This is a statement of the extent of the New Forest in the years 1787, 1848, and 1868, which I will hand in. (*The same was handed in. Vide* Appendix A.)

615. Lord *Stanley of Alderley.*] How was it that the rights of individuals have increased in that time?
Some lands were sold by the Crown to private individuals.

616. *Chairman.*] But Mr. Clutton in 1848 states, that the residue was 69,500 acres, and Mr. Miller 63,690 acres; and in 1854, Mr. Kennedy put it as 66,100 acres, so that we have lost 3,000 acres?
From those figures it would appear to be so.

617. You do not know how that is?
I cannot inform your Lordships how that is; those figures are not from any actual survey; those for the years 1787 and 1848 I have taken from the Appendix to the Report of the Select Committee on Woods and Forests, in 1848.

618. Lord *Stanley of Alderley.*] I should like to know how the amount of private individual holdings have increased during these years?
By purchase from the Crown.

619. If they were by purchase from the Crown, I suppose you would have a record of that?
Yes; there is a record. It was previous to 1848, I think, when the principal portions of the land were sold. I have a statement of the lands sold, granted, purchased, exchanged, and enfranchised by the Crown, in the New Forest,

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Forest, during the period from the 1st of April 1848 to the 31st of March 1868, inclusive: the land sold amounted to 646 acres 2 roods and 38½ perches; of this quantity, 356 acres 2 roods 20½ perches were sold under the provisions of the Act of the 14th & 15th Victoria, chapter 76, and the 17th & 18th Victoria, chapter 49, to pay for the expenses of the Commission to investigate the commoners' rights. I will hand this Paper in.—[*The same was handed in.—Vide* Appendix B.]

620. The right of the Crown to dispose of that land was under the special enactment of an Act of Parliament?
Under a special Act of Parliament.

621. Had the Crown any right beyond that to dispose of any of the rights vested in the Crown?
Yes.

622. Is a portion of that taken out of what is called the 2,100 acres of absolute property of the Crown?
No, not out of the Crown's freehold; that 2,181 acres is the Crown's freehold. What the Crown has sold has been outlying portions of the waste; for instance, by the side of roads which have been contiguous to other gentlemen's property; and, in order to round the borders of the Crown's property, it was thought advisable to sell those pieces of land.

623. What right has the Crown to dispose of property; I thought it could dispose of no property absolutely, and that it must still remain subject to the commoners' rights?
The Crown has the right which other lords of the manor have, the right of disposing of so much of the waste of their manor as they think fit, provided they leave enough pasturage for the commoners; and the *onus* of proving that rests upon the commoners.

624. Duke of *Somerset.*] Were not there special Acts enabling the Crown to sell portions of the land in the New Forest?
There was this Act to enable the Crown to sell lands to pay the expenses of the commission of inquiry.

625. Beyond that, was not there an Act to allow them to sell land, not exceeding 1,000 acres, to the adjoining proprietors?
I do not know what special Act relating to the New Forest your Grace is alluding to.

626. Lord *Stanley of Alderley.*] What I wanted to know was, whether any lands were sold by the Crown other than those they got power to sell under the Act of Parliament?
Yes.

627. What lands?
Lands have been sold and lands have been exchanged.

628. I can understand their being exchanged; but if the Crown could sell a portion, it might have sold the whole, and so have deprived the commoners of any rights whatever, by disposing of all the waste?
Since I have been at the Woods and Forests, I have had applications made to me to sell pieces of waste.

629. Duke of *Somerset.*] The Act of 1851 allowed certain portions to be sold, just to pay expenses?
Yes.

630. But previous Acts have allowed other portions to be sold?
The solicitor will answer the question.

631. *Chairman.*] What is the system adopted at your office with reference to inclosures for the New Forest; do you personally select them, or inspect the site?
The inclosures made under the Deer Removal Act have been made under a Commission granted and issued by Her Majesty, to inclose certain portions of the forest for the purpose of making plantations, such portions to be approved of by the Commission, as being the best to be enclosed, and as best adapted for the growth of timber, and such as best could be spared from the commons and highways of the forest.

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632. We heard it stated to-day, that under this Deer Removal Act certain inclosures have been made under 300 acres; and I believe by the Deer Removal Act, which we were told also had an *ex post facto* effect with reference to the Act of Will. 3., no inclosures were to be made under 300 acres; are you aware of any cases in which they have been so made?

I am not aware of any inclosures having been made under 300 acres; but Mr. Cumberbatch, the deputy surveyor, is here, and he will answer that question.

633. Duke of *Somerset.*] Are you aware that by section 43 of the Act of 1851, it is provided, "That every inclosure to be from time to time made and set out by or on behalf of Her Majesty, from the waste lands of the said forest, by virtue of any Commission hereafter to be issued for the purpose, either under the authority of this Act or of the said recited Act, shall be of the extent of 300 acres at the least, exclusive of the site of any public roads, ways, or paths which may intersect such inclosure"?

Yes.

634. Therefore, as far as you are aware, you believe that Act to have been fully carried out?

I believe so.

635. Lord *Stanley of Alderley.*] By that Act they are not empowered to inclose any portion of land under 300 acres?

Not less than 300 acres.

636. *Chairman.*] You state that you are not aware of any inclosure having been made of less than 300 acres?

No.

637. Can the effect of carrying out the New Forest Deer Removal Act be seen at the present time?

No; it will take many years before the effect will be seen: it can be foreseen what the effect will be, and that could have been foreseen in the year 1851. At that time the effect could have been seen over the 6,000 acres which the Crown had the power to inclose under the Act of Will. 3. The Deer Removal Act only extended the right of the Crown from 6,000 acres to 16,000 acres; and therefore the effect upon the 6,000 acres being known, it would not have been difficult to tell the effect upon 16,000 acres.

638. That right has only been carried into effect as regards 3,090 acres?

That is as regards the 10,000 acres; but 9,090 acres have been inclosed out of 16,000 acres, leaving, therefore, about 7,000 more acres than the Legislature intended the commoners to have under the Act of 1851; therefore, instead of the commoners being in a worse position than they were in 1851, in consequence of these inclosures being carried out, the Crown has not yet enclosed one-third of what it was entitled to inclose under the Act, and the commoners have been and are in the enjoyment of 7,000 acres more than was intended by the Legislature.

639. I observe, in your Report, you say: "The effect of the Bill, as regards inclosures, must necessarily have been known to, or could readily have been ascertained by, all persons locally interested, from the working of similar provisions in the Act 9 & 10 Will. 3, c. 36, and the 48 Geo. 3, c. 72, with respect to the New Forest"?

Yes, it could be foreseen, I think.

640. Was not it the fact that at the time the Deer Removal Bill was passed, there were little more than 1,700 acres inclosed in the New Forest; I refer to the Return that was moved for by Lord Nelson two years ago?

That was, I think, with reference to the plantations thrown out.

641. In that Return of Lord Nelson's it is so stated; and therefore it is impossible for the commoners, when there were only 1,700 acres inclosed, to have anticipated the effect of the inclosure of nearly 7,000 acres more, because I understand you to say that there have been nearly 7,000 acres more inclosed since that time?

No; 7,000 acres remain to be inclosed.

642. Did you not say that there were 9,000 already inclosed?

That is if you take the 16,000; 9,090 acres have been inclosed.

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643. In Lord Nelson's Return there were 1,772 acres at the time of the Deer Removal Act, therefore there must be the difference between 1,772 and 9,000 acres inclosed since that period; how would it have been possible for persons having rights of common in the New Forest to guess what the effect of the Deer Removal Act would have been, when there was only that small quantity inclosed?

That was with regard to what they had to expect from the pasturage when the inclosures were thrown out; my remark was not intended with regard to the actual inclosures themselves; it was with regard to the state of pasturage in the inclosures when they were thrown out. They might have gathered from the state of the pasturage in these inclosures, what would be the state of the pasturage when further inclosures were thrown out under the Deer Removal Act.

644. Lord *Stanley of Alderley.*] In fact, were not the commoners fully aware that the effect of the Act would be to give the Crown the power of inclosing 10,000 additional acres?

Certainly.

645. Therefore they could not have been in doubt of what would have been the effect of throwing out so much more ground?

No.

646. *Chairman.*] But the quantity of inclosure thrown out between 1815 and 1851 does not amount to any great extent compared to what has been inclosed since?

This is a Return of all the inclosures which have been made in the New Forest under the Acts of the 48th of George the Third and 9th & 10th of William the Third, and also under the 14th & 15th of Victoria. The 14th & 15th of Victoria finished the 6,000 acres that the Crown was authorised to inclose under the Act of William the Third, and the Crown has now inclosed, under the Deer Removal Act, of the 10,000 acres only 3,089 acres.

647. Lord *Stanley of Alderley.*] The commoners were at that time seeking from the Crown the doing away of the right of keeping the deer, which they said was injurious to them, and they gave their consent willingly as compensation to the Crown, to the Crown's taking in 10,000 additional acres?

Yes, certainly.

648. *Chairman.*] But the evidence we have had is, that the landowners have gained very much by the removal of the deer; that now they can let their farms to good farmers, because they can grow turnips, which they could not before; but as regards the poor commoners, who know very little about what would be the effect of the Deer Removal Act, they have gained nothing by the removal, inasmuch as the deer and the cattle consumed the heather and the rough herbage and bramble which now interfere with the growth of pasture?

If they had stocked the forest with double the cattle that there are now, they would have better pasturage; and the logical inference from what the commoners state, namely, that the forest has been overgrown with what they call rubbish is, that if they had allowed the Crown to enclose the 16,000 acres, that would have restricted the commoners' cattle to a smaller portion of the forest, and the pasture would have been improved. I know that when I have overstocked a field, the cattle do not destroy the hedges until they have eaten all the grass; the grass is very much improved, though the hedges are injured; and that would be very much the same in the New Forest.

649. Lord *Belper.*] What they state is, that this arises from their not being allowed to stock the forest in winter, and that therefore this injury is done to the grass in winter?

If they stocked it harder in the summer, it would have the same effect.

650. *Chairman.*] But they complain bitterly of the want of turning out their ponies and cattle in winter?

If I may judge, I never saw the commoners' cattle looking better than they do at the present time, and the consequence of the forest's being overrun with what they call rubbish, is that they have plenty of pasture for the cattle turned out.

651. Lord *Belper.*] If it is true that what they complain of is that this rough

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grass has overgrown the rest of the pasture, in consequence of the deer's being taken away, would it not be better if the deer were restored?

That would appear to be the inference to be drawn from the commoners' statement.

652. *Chairman.*] With regard to that portion of the land that was purchased from the Crown by the Southampton and Dorchester Railway, what was the amount received for that land?

£. 12,000.

653. That was to be spent to the advantage of the commoners of the forest, was it not?

That was to be spent to the mutual advantage of the Crown and the commoners, because at that time the Crown had the right to keep deer in the forest; and therefore, if any of the money were spent in improving the pasturage in the forest, it would improve the pasturage for the deer as well as for the foresters' cattle. When the deer were done away with, that mutuality ceased to exist, because any land that was improved after that by tile drainage would be improved almost exclusively for the benefit of the commoners and to the detriment of the Crown, as the Crown would be deprived of the power to inclose the land that had been drained.

654. Lord *Stanley of Alderley.*] In what way was that money expended?

I will put in a Paper of the way in which that money was expended.

655. Duke of *Somerset.*] Is this Paper signed?

No, it is not: but I will sign it.—[*The same was handed in.—Vide* Appendix C.]

656. Lord *Stanley of Alderley.*] Would it appear upon that statement in what proportions the 11,000 *l.* was expended for the benefit of the Crown, and for the benefit of the commoners?

No; that would not be specified.

657. But upon what principle did you proceed in expending that money?

There was a certain amount of land drained, about 500 acres, and clause 18 of the Southampton and Dorchester Railway Act (8th and 9th Victoria, chapter 93, 1845) directs that the money shall be laid out and expended with all convenient speed by the Commissioners of Woods, &c., in draining or otherwise improving the said forest, or any portions thereof, in such manner as in the judgment of the said Commissioners, the Lord Warden, and any two of the verderers for the time being of the said forest, may best conduce to the mutual benefit of Her Majesty, her heirs and successors, and the parties entitled to rights of common over the uninclosed portions of the said forests. It was decided to execute certain drainage works in the forest with a portion of this money, and in accordance with a recommendation of Mr. Josiah Parkes a tilery was established in the forest to supply tiles for the drainage works. Between 1846 and 1850 the sum of 8,291 *l.* 11 *s.* 4 *d.* was expended in erecting the tilery and in draining a certain number of acres, which is left blank in my statement, because I do not think the exact number has been ascertained; it was about 500 acres of the open forest, partly by open drains and partly with tile drains, the improvement of the pasturage of those portions being a mutual benefit to the Crown and the commoners, inasmuch as the pasturage was enjoyed by the Crown deer and the commoners' cattle at that time.

658. Still that money was expended for the benefit of the pasture, and not for the benefit of the forest, which was applicable to the growth of timber?

Exactly; it was applicable to pasture.

659. *Chairman.*] You have abstained from spending any of that money of late years upon the pasture?

I do not think we are empowered by Act of Parliament to expend any more in draining any further land; we can spend the money in keeping the drains upon the present drained land in proper repair.

660. I understood you to state that there were 6,000 *l.* still in hand?

Yes; there are 6,000 *l.* still in hand.

661. And why are you not empowered to spend that money in improving the pasture?

I think

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I think the Act prohibits it. I think the Act of 1851 only referred to the portions which had been drained, and that the money was not to be expended in further draining other portions of the forest.

662. Lord *Stanley of Alderley.*] Do you consider that the Crown derives no benefit from the improved pasture since the deer have been removed?

No.

663. Lord *Belper.*] Do I understand you to state 8,000 *l.* have been expended upon 500 acres; if so, that would be at the rate of 16 *l.* per acre; how do you account for that?

I cannot say whether the tile drainage cost 16 *l.* an acre. Mr. Parkes was considered rather an expensive drainer.

664. *Chairman.*] Clause 17th of the 8th and 9th Victoria, chapter 93, the Southampton and Dorchester Act, is: "And whereas the Queen, in right of her Crown is or claims to be seised of or entitled to a certain forest or tract of land called the New Forest, in the County of Southampton, and all timber, timber-like and other trees standing or being thereon, subject to certain rights of common, of pasture, and turbary claimed by certain of Her Majesty's subjects in and over the uninclosed portions of such forest, it shall not be lawful for the said Company to make the said railway upon, through, or over any part of the said forest, or to enter upon, take, or use any portion thereof, without consent of the Commissioners of Her Majesty's Woods, which consent may be given subject to such conditions as regards the construction and maintenance of the said railway through the forest, as the said Commissioners may deem requisite for the beneficial enjoyment of the said forest by Her Majesty and Her Majesty's subjects entitled to any rights or privileges in and over the same." And the 18th clause, after providing that the commissioners may sell land in the forest to the company free from all rights of common, enacts "and such sum of money so paid as aforesaid shall be laid out and expended with all convenient speed by the said commissioners, in draining or otherwise improving the said forest, or any portions thereof, in such manner as in the judgment of the said Commissioners, the Lord Warden, and any two of the verderers for the time being of the said forest, may best conduce to the mutual benefit of Her Majesty, her heirs and successors, and the parties entitled to rights of common over the uninclosed portions of the said forest." Now what is there in that statute which prevents your spending this 6,000 *l.* which still remains, upon the improvement of the pasture of the forest?

The Deer Removal Act directs that the inclosures to be made by the Crown as compensation for the extinguishment of its right to keep deer should be "set out and made from and out of such parts and places in the forest, other than and except such lands, as have been drained with tiles by money received by the Crown from the Southampton and Dorchester Railway Company, in compensation for portions of the forest taken by the company for the purpose of their works," and so on. The drainage of any further portions of the waste land of the forest with tile drains would therefore no longer be for the mutual benefit of the Crown and the commoners. If the exception in the Deer Removal Act, of tile-drained land from the land which the Crown is empowered to inclose and plant, extends only to the land which was at that time tile drained, the drainage of any further portions in the same manner would be for the benefit of the commoners almost exclusively, because if the land so drained were inclosed and planted the drains would soon be choked and be rendered useless. If the exception applies to all land which may at any time be drained with tiles out of the drainage fund, the drainage of further portions with tiles would not only be for the advantage of the commoners almost exclusively, but would be to the serious prejudice of the Crown, because every acre so drained would be so much land permanently excepted from the Crown's right of inclosure; therefore I should protest against spending it in further draining with tiles.

665. Many of the witnesses who have been examined upon previous occasions, and some of the officials of the office of Woods and Forests, have stated that the rights of the Crown and the rights of the commoners are now nearly equal; do you think that it would be right for one tenant in common with another so to manage the money which was intended for the benefit of both as to prevent any improvement being made for the other?

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I must dispute, in the first place, that the rights of the Crown and the commoners are equal.

666. Lord *Stanley of Alderley.*] And, in the next place, would you not consider that spending 16 *l.* an acre is an ample contribution from the Crown?

Certainly; the fact is that that 12,000 *l.* ought never to have been devoted to that purpose. It was paid in consideration of about 60 acres of the poorest land in the forest, the commoners' rights over which, I should think, at 30 years' purchase, would not have been worth 100 *l.*; that money was spent, you may say, almost absolutely for the benefit of the commoners, and was received in consideration of land which was the freehold property of the Crown.

667. Earl of *Romney.*] The Crown laid out their money, and the commoners did not; but the Crown laid out their money very badly?

It was supposed to be very well done at the time; but Mr. Parkes, who was employed to do it, did it with inch-pipes, which are supposed to be choked up, and the draining will have to be done again, and they will have to put in two-inch pipes instead of one inch.

668. *Chairman.*] We were told by a witness who was examined the other day, namely, Mr. Esdaile, that an application had been made for the drainage of Burley Lawn, which Burley Lawn had been very materially damaged by the drainage of some of the land that had been inclosed, and that the drainage of that land had been refused by the Commissioners?

I told him that I would take it into consideration, but I gave him no answer except to acknowledge the receipt of his application, and to say that it should be taken into consideration.

669. That proposition had been allowed by two verderers, had it not?

I think it had.

670. So far the terms of the Act have been complied with?

No doubt.

671. Complaints have been made of the enormous extent of some of the proposed new inclosures; is there any object in having the inclosures of such an enormous size as 1,000 acres?

It saves expense to the public; but that was a question for consideration before the New Forest Inclosure Commissioners, and I was always ready to meet their views when reasonable. In submitting the first blocks of land that we proposed for inclosure, we took, of course, such parts as we thought best suited for our purpose and for the growth of timber, and then it was for the Commissioners to state their objections when the plans were laid before the Commission. In every case I think we have taken into consideration any objections that were made, and shown ourselves, that is those who were acting on the part of the Crown, ready to meet the reasonable views of other gentlemen.

672. Has not the effect of these large pieces of inclosure been to block up a great number of roads and highways?

That is a question of what are highways; we hold that a great many of what the gentlemen there call highways are simply tracks used by the commoners themselves, like occupation roads upon a gentleman's private estate; they are for the purpose of carting away turf and fern, and that sort of thing, but they are not highways.

673. Lord *Stanley of Alderley.*] Complaints have been made by some witnesses that you did not give proper publicity with reference to the portions of land that you proposed to inclose; what have you to state in answer to that?

I do not think it is the fact; I followed the precedent of former Commissions. When the Commissioners, at their last meeting, objected to the shortness of the time, I said that we were quite ready to give them further time, and that there should be plans deposited, and that they should know what portions were proposed to be taken, and that Mr. Cumberbatch, the deputy surveyor, should go with them to point out the tracts proposed to be inclosed.

674. *Chairman.*] You do not see any objection to giving publicity?

None whatever.

675. Lord

675. Lord *Stanley of Alderley.*] Do you publish in your paper notices of your intention?

Yes.

676. And offer any people you may wish an opportunity of objecting to them?

Yes.

677. Such is done?

It is done, and it will be done in future; I will not bind myself to state that it has always been done hitherto, but this was provided for at the last meeting of the New Forest Inclosure Commission by a resolution moved by Mr. Esdaile, and unanimously agreed to by the Commission, of which I am only one member.

678. *Chairman.*] We have been told that these large masses of inclosure compel people to go very much further to get food for their cattle; that they have to go round these large inclosures.

That may be the case; in one very large inclosure proposed, we agreed to leave three large driftways, of three chains in width each, to accommodate the commoners' cattle, and that will allow them to get to any part of the Forest without going round.

679. Lord *Belper.*] I think they complain, not that their objections were not fairly considered by the Commissioners, but that they had not notice of their intentions to inclose?

They had the plans before them for nearly a year.

680. Earl of *Romney.*] These plans were before the Commissioners, but not before the commoners?

The Commissioners are supposed to represent the commoners interested.

681. Lord *Stanley of Alderley.*] But you would have no objection to give the publicity required?

None whatever.

682. Lord *Belper.*] The state of the case was that their objections were fairly considered, but that they did not know when the Commissioners met, and therefore lost the opportunity of making objections?

It is only lately that objections have been made to inclosures, within the last two or three years, I may say.

683. *Chairman.*] As you go on inclosing so you will meet with more objections?

That is certainly the case. It is my anxious desire to carry out the provisions of the Deer Removal Act as the Legislature intended, but when I see the opposition that is being made to further inclosures before the Crown has inclosed one-third of what it is entitled to inclose under the Act of 1851, my difficulty is very great in carrying out the Act. The Commission is composed of 13 gentlemen, three of whom only are officers of the Crown, and the other 10 are independent gentlemen and themselves commoners in the forest. In proposing further tracts of land to the Commissioners it will be my duty to select such tracts of land as are best suited for growing oak and other trees, and therefore naturally best suited for pasture; and it will be the interest of the commoners, on the other hand, to prevent the best land being inclosed, and to drive the Crown to the poorer parts of the forest. I fear, therefore, that this Commission will soon come, if it has not already come, to a dead lock; and if I am to continue to carry out the Act of 1851, I foresee further petitions from commoners, further Select Committees, further Acts of Parliament, and every time this question comes before Parliament the Crown and the public are pretty sure to lose something, so that I do not see that the prospect of carrying out this Act is a very hopeful one.

684. *Chairman.*] But you are not bound by the Deer Removal Act to inclose all the best land in the forest; the land was to be inclosed with some reference to the highways, and with some reference to the common, "as might be best spared from the commons and highways"?

Yes, and also such as was best calculated for timber.

685. Duke of *Somerset.*] In reference to this question, I wish to ask, was not it the fact that up to 1850, comparing the income and the expenditure of the New Forest, there was a loss to the public?

I believe there was.

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686. I find Mr. Kennedy, in evidence before the Select Committee on the Royal Forests in 1854, to have stated that in 1849 the expenditure for the New Forest was 12,000 *l.*, and the receipts 10,000 *l.*, the deficit being 2,000 *l.* In the following year there was a deficit of 2,400 *l.*, in the third year there was a small surplus of receipt over expenditure, and it has gone on since, leaving a surplus of receipt over expenditure; is not that the case?
Yes.

687. Therefore, when the commoners complain of the system of management under the Act of 1851, what they really complain of is, that the Crown has made a profit out of land which was formerly held at a loss?
I suppose that is the case.

688. And what they wish to impress upon Parliament is, that the public should lose this money, and that the commoners should gain it?
Exactly.

689. *Chairman.*] Was not it supposed at the time of the passing of the Deer Removal Act that the Act was equally beneficial to the Crown and the commoners?
I think that under the circumstances, and at the time the Act of 1851 was passed, it was the best settlement of the question.

690. What have the commoners gained by the passing of the Deer Removal Act, except the adjudication of their rights as commoners?
The removal of the deer, which was what they asked for.

691. Lord *Stanley of Alderley.*] Have they not gained the removal of the deer, which they represented to Parliament were extremely injurious to them, by causing great expense in fences, and damaging their crops, and causing a bad and wicked population to exist in the neighbourhood?
Certainly.

692. *Chairman.*] Was not the complaint made principally by landowners, and not by commoners?
It was made, I think, mostly by landowners who were also commoners, and their tenants' crops suffered by the deer.

693. Duke of *Somerset.*] Looking at the future complaints which you say you expect, would it not be better to consider at once the possibility of settling the whole question by disafforesting and inclosing?
I certainly think so; I see no other course to be adopted, if this Act of 1851 is not to be carried out in its integrity; the only course that I see is that an allotment should be set out for the Crown by a competent and impartial tribunal, in satisfaction of its rights and interests in the forest; unless that is done, I fear that, as I say, there will only be further proceedings before Parliament, and that every time we come before Parliament we shall be likely to lose something. They want us now to give up the fence month and the winter heyning without compensation, and then next time it will be something else. If your Lordships will permit me, I will read a very short extract from the Third Report of the Commissioners appointed to inquire into the Land Revenues of the Crown, dated 3rd June 1788. These Reports are amongst the ablest ever laid before Parliament, and everything they contain is well worthy of attention. The extract is as follows:—"The improvident and often ill-defined grants made by the Crown in many of the forests, and the confused mixture of rights created by them, have the worst effect upon property itself; the proprietor of the underwood must wish to prevent the growth of timber, by which his crop is diminished, and it is for the advantage of those to whom the herbage has been granted that no wood should grow up of any kind: the whole is a perpetual struggle of jarring interests, in which no party can improve his own share without hurting that of another; but the contest is very unequal at a distance from the seat of Government; the inhabitants and borderers on these extensive forests have the greatest temptations as well as the best opportunities to injure and encroach on the property reserved by the Crown, and the Crown must find it extremely difficult to protect its remaining rights." Now, those remarks are as true at this moment as they were 80 years ago, and I assure you that the Crown finds it very difficult to protect its remaining rights. The conflicting, or as those

Commissioners

Commissioners call them, the jarring interests which were united by the Act of 1851 are not very likely to live in harmony together; the time will come sooner or later when they must be divorced, and Parliament will perhaps say, in the interest of both parties, the sooner the better.

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694. Duke of *Somerset.*] Then it is your opinion, as I gather from what you stated, that it would be unwise of the Crown now to make any further compensation except upon the understanding that there is to be an inclosure and a settlement; it will be unwise to give up any small thing, such as winter heyning or anything else; that it would be better to let matters stay as they are, or else have an inclosure?

Certainly.

695. Lord *Stanley of Alderley.*] You would be unwilling to surrender any further rights of the Crown, except upon receiving full compensation for their value?

Yes.

696. And you consider that the power to inclose 10,000 acres was given to you for the surrender of certain rights?

Certainly.

697. And you conceive that the commoners have received full compensation in having their prayer complied with in the removal of the deer?

Full compensation.

698. Lord *Belper.*] Do you make any difference in that between the larger and the smaller commoners, that the larger commoners may have been benefited by their crops not being destroyed, and that the smaller commoners may have been injured by having a less amount of herbage?

No, I consider the smaller commoners are benefited equally with the larger ones; in fact, I think the smaller commoners derive the largest benefit; the larger tenants do not usually turn their cattle out.

699. *Chairman.*] We hear from the commoners themselves that they have suffered most materially by the encroachment, and that both their rights of turbary and their rights of pasturage are very much diminished?

That is their complaint.

700. Lord *Stanley of Alderley.*] Was not the benefit done to the small holders that which induced Parliament, most prominently to pass the Act of 1851?

I was not in office at the time these proceedings were carried on about the Deer Removal Act; Mr. Gardiner would answer that question. I think the benefit to the poorer commoners was a point that was much insisted upon.

701. Duke of *Somerset.*] With reference to winter heyning, have any orders been given by the office to drive off the cattle during the winter months?

We have a drift occasionally, just to keep up the right of the Crown, and to see also that there are no unauthorised cattle in the forest; directly the drift is over the cattle go back again.

702. It is not meant to do anything further than just to maintain the right of the Crown?

Just to maintain the right of the Crown.

703. The Act of 1851 settled the number of persons who have common rights?

Yes.

704. Therefore the Act of 1851 was so far a preparatory Act, facilitating inclosure at a future time?

I should say so.

705. *Chairman.*] If there had been inclosures at the time, would not the rights of the commoners have been of very much greater value than they are now?

No, I think not.

706. Has there not been a good deal of good land taken up by your inclosures during that period?

Not so much as there ought to have been.

 707. I think

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707. I think you stated that there were at least 7,000 acres?
I say that the Crown has only inclosed, up to this time, one-third of the land it is entitled to inclose under that Act.

708. Duke of *Somerset.*] Was not there a claim from 900 commoners?
Yes; and a great number of claims were disallowed.

709. Therefore the 900 *bonâ fide* commoners were benefited by the exclusion of those who were rejected?
Certainly.

710. Lord *Stanley of Alderley.*] What rights of inclosure had you before the Act of 1851, and what right had you of taking any fresh land for planting?
There was the right to take in 6,000 acres under the Act of the 9th & 10th of William the Third; that was the right to take in 6,000 acres, and then to throw out as the trees got past danger from cattle, and to take in a like quantity of waste land in lieu of that thrown out, and that would have been a rolling power; so I suppose that 6,000 acres would have got over the forest in course of time.

711. In fact, did you get anything more by the Act of 1851 than the power of inclosing 10,000 acres instead of 6,000 acres?
Ten thousand acres, in addition to the 6,000 acres.

712. *Chairman.*] Would you not be able to relieve the commoners of many of the grievances of which they complain, if the old inclosed land was thrown out in a better condition of pasturage than it is at present?
It will keep on improving year after year after it is thrown out, by the operation of the cattle themselves. I do not know that we should be bound to go and cut all the rough stuff and rubbish, and make it smooth for the commoners; that their cattle would do for themselves.

713. Earl of *Romney.*] But you cannot mean to speak of the commoners' cattle and the deer as feeding upon the same thing; the deer will eat what cattle will not?
But the cattle will eat the same if they are hard pressed.

714. But you cannot overstock 60,000 acres in that way; you might overstock a field, but you cannot overstock the New Forest in that way?
You could stock it so that you could get down a good deal of that rubbish. I may mention an instance with regard to drains in the plantations: they have been very much complained of with regard to the loss of cattle. I will instance a Crown woodland, called Salcey Woodland, a tract of land about 1,256 acres in extent, which is occupied in growing a crop of oak-trees, from 25 to 40 years' growth, the drains were sunk the same depth, and in every other circumstance resembled those in the New Forest; the woods themselves are much more thickly covered with a dense crop of underwood, blackthorn, and other undergrowth, and I let these 1,256 acres for grazing at 300 *l.* a year; that is at the rate of 5 *s.* an acre; and the farmer who took them is perfectly satisfied with the way in which his beasts do. These plantations are more thickly covered with underwood than any I have seen in the New Forest. Those are Salcey Woods, in Northamptonshire. The tenant has agreed to build a shed and cottage at his own expense, for his people to look after the cattle.

715. Lord *Stanley of Alderley.*] What would you consider a legitimate application of the 6,000 *l.* which remains of the money you received from the Railway Company?
That it should go towards the expenses of a general disafforestation; that would be the best way of applying it, because it would be then applied for the mutual benefit of the Crown and the commoners.

716. *Chairman.*] Has there been more land sold than that to the Railway Company?
There have been small portions sold and granted from time to time under the 10 Geo. 4, c. 50, ss. 45 and 98.

The Witness is directed to withdraw.

JOHN CLUTTON, Esq., is called in; and Examined, as follows:

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717. *Chairman.*] I BELIEVE you are employed by the Crown to survey the New Forest from time to time?
Yes, I am.

718. You are aware, perhaps, of the petitions which have been presented to the House of Lords by some of the commoners in the New Forest, complaining that their rights of common have been very much invaded by recent inclosures, and also complaining that the land which has been thrown out of inclosure, is in a very improper state for pasturage?
Yes.

719. Have you been lately visiting the forest?
Yes.

720. What is your opinion with regard to these statements?
I think the pasturage is at present amply sufficient for all the cattle that are turned upon it.

721. Is it equal to the supply of all the cattle?
Much more so, I think, because the taking the deer out of the forest, and not inclosing an equivalent amount, has so far induced a superabundance of feed; and that has become rougher than it used to be when I first knew the forest. My first acquaintance with the forest was in 1849, and occasionally I have seen it ever since.

722. Does not that roughness prove that the pasturage is of a very much coarser kind than before?
I think that it will get coarser, year by year, until the quantity of the land is reduced to meet the requirements of the stock. My experience is, that if you understock land the pasturage becomes annually rougher.

723. With regard to these pieces of land which were formerly inclosed and have been thrown open of late years, in what state are those?
Some of them are as good pastures as you can get under trees. You are aware that I have nothing to do with the office of Woods and Forests; I am Crown Receiver in several counties, and my receiving is partly in the neighbourhood of the forests. I let some cultivated land in the neighbourhood of Salcey, and I had something to do with inducing one of the tenants to take a portion of the forest land which he had at about 5 *s.* an acre. I have seen the effect upon his stock as well as upon the forest, and my experience is that it does feed a great quantity of stock, and does so very well.

724. Lord *Stanley of Alderley.*] How long has that forest been thrown open?
It is not thrown open; it was formerly an open forest, and inclosed about 40 years since.

725. What is the age of the trees under which there is now pasture?
From 20 to 40 years.

726. Not more than 40 years?
There are none more than 40 years. The planting commenced in the year 1832.

727. Then you think you could get a tolerably good herbage for pasture with trees of a not greater age than from 20 to 40 years?
You can get pasturage, but of course I am not talking of good pasturage; you cannot get very good pasturage under trees, but it does exceedingly well, and this man I have spoken of is enabled to pay what I call a good rent; although I had nothing to do with fixing the rent.

728. *Chairman.*] What sort of cattle does he turn in?
It is found by experience that the better classes of cattle will not live upon it, either in the New Forest or in any other forest; but the cattle bred in the district will do better than those brought from a distance. I have had experience with regard to the letting parts of all the forests recently inclosed. A tenant of one of the Whichwood farms was a Buckinghamshire farmer, and he thought to keep a dairy; but out of 40 cows, I think in about three or four months, he only drove away a few; they nearly all died.

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729. Lord *Stanley of Alderley*.] What disease attacked them?
It is what we call the red water; it is some disease of the kidneys, I believe.

730. *Chairman*.] Do you consider that any of those portions of the New Forest which have been thrown open are as capable of being used as pasturage as Salcey Wood?
Yes; and having seen both, I should say they were better, because in Salcey it was periodically cut for underwood, and there was a great deal of blackthorn and hazel, and whitethorn; and when I first knew it, it was very high; but it has been sold off, and no doubt the cattle will now keep it down. There is no doubt that pasturage after a few years very much improves; as the thinning goes on, and the higher growth is fed off by the cattle. In one or two of the forests, Whichwood or Whittlewood, they were both subject to being inclosed for seven or eight years; they had what were called coppices, and the Lord Warden or the Ranger had the power, whenever the underwood was cut, to inclose it against all cattle for a period of seven years, and then it was thrown out for a period of eight or nine years; and when the cattle were first turned in, they were never so healthy as they were a year or two after. The food had become rank and coarse, and the cattle did not do so well upon it as after the period when the rough grasses were fed off.

731. Lord *Stanley of Alderley*.] In Salcey Wood, is the underwood still very close?
Very much so in many parts; but it is now being cut down by degrees, and sold as coppice wood. There is a very small sale for it, but it is cut down to keep the ground clear for pasturage.

732. Duke of *Somerset*.] Have you had some experience in inclosing some of these forests?
I have had to do with them all, and I have had also to do with the inclosing a private forest in Essex.

733. Having had that experience, what do you think upon the question of inclosing the New Forest; would it be better, seeing the complaints that are made under the present law, that the Crown should proceed and obtain an Act of Inclosure.
I think it would be better for both parties that the right should be once for all settled. I gave that advice in 1854, when Mr. Drummond's Committee was sitting; and, from my experience of the different forests which I have enclosed under the Crown, I have no doubt that that is better for all parties.

734. The further experience that you have had since 1854 upon that point has rather strengthened your opinion than otherwise?
Certainly it has; I do not think that any property can be well managed in the hands of two parties having adverse rights.

735. Lord *Stanley of Alderley*.] Do you find it easy to come to an estimate of the value of the rights of the commoners?
In the cases of inclosure of the Crown forests, the Commissioners for inclosure were three barristers, who proceeded to ascertain the rights of the Crown, and to set out an allotment in respect thereof, leaving portions of land in convenient positions for the commoners. These commons were afterwards inclosed by other Acts of Parliament. The present Mr. Justice Channel, Mr. Wetherell, Mr. Paterson and other barristers have been Commissioners for Inclosure of Crown Forests. Three Commissioners in each case. They sat and heard evidence, and decided upon the proportions to be allotted respectively to the Crown and commoners.

736. Is the estimate of the value taken from the number of animals which a farmer is allowed to turn out.
It goes the other way; it is the estimate of the Crown's right, as the paramount right.

737. Duke of *Somerset*.] In any of these forests how many commoners have you?
There are large bodies of commoners. In every forest there might be six or eight parishes, but not so large as here, because here there are 60,000 odd acres, as against, perhaps, 10,000 in the other forests.

738. But still you have, for the quantity of land, a large number of commoners?
Yes.

739. Were

739. Were they compensated in money?
No; by allotments of land.

740. By small allotments?
By equivalent allotments.

741. For instance, a man having a right to turn out two cows would have only a small allotment?
We have nothing to do with that.

742. How did you proceed?
Under the Acts under which the forests are inclosed the commissioners had directions to set out portions of the common for commoners in general, and afterwards the commoners proceeded to inclose by separate Acts of Parliament.

743. *Chairman.*] You took one large allotment, and you allotted it afterwards?
If you will assume that this is a large forest, take the Crown's allotment in the centre (*describing the same*) away, as it might be, from the haunts of the people, and then the common allotments were set out near the habitations of the commoners.

744. Lord *Stanley of Alderley.*] How did they estimate the Crown's right; like a lord of the manor's right?
The lords of the manor have no forestal rights; no rights of deer feed; but as regards other portions of the claim, we deal with them just as we do with the lord of the manor rights; the rights of the lord of the manor depend entirely upon what the lord has upon the soil; if he has a great deal of timber and underwood, his rights are very much larger than if it is bare common.

745. *Chairman.*] Of course, in the New Forest, they would not give the Crown any right of deer feed?
They would take into account the equivalent; we had the same thing in Woolmer Forest.

746. There you gave the Crown a certain amount of land to plant, and that was taken as part of the Crown's share?
What the Crown had planted was taken as part of the Crown's share; that was one of the most recent cases we have had.

747. Lord *Fitzwalter.*] What was the extent of Woolmer?
Five thousand four hundred acres.

748. *Chairman.*] Were there rights of common in Woolmer?
Yes, rights of common.

749. You say that this farmer in Salcey Wood gives 5 *s.* an acre for the pasturage of the wood?
Yes.

750. Do his cattle feed there in the winter principally, or all the year round?
All the year round.

751. Lord *Stanley of Alderley.*] And I think you also stated that a large portion of the inclosures in the New Forest, which have been thrown open were quite as valuable for pasture as Salcey Wood?
Yes, and more free from undergrowth.

752. Lord *Fitzwalter.*] There is no power to the tenant to cut the undergrowth?
No, that is sold by the Crown.

753. *Chairman.*] They complain to us of being unable to turn out their ponies and cattle in the winter, and that a great deal of bramble and other stuff has grown to such an extent as to injure the pasturage in the summer?
They have no right to turn out in the winter, but they do turn out a quantity of stock in the winter.

754. Lord *Belper.*] You do not attribute the rough state of the forest to the fact of their not being able to turn out in the winter?
They never were legally able to turn out in the winter, but there is no doubt

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that the common has been overgrown with rougher stuff on account of the too low stock upon it for the quantity of food. No doubt in the winter they would be hard pressed, and would eat that which they do not now eat.

755. Lord *Stanley of Alderley*.] Do you attribute that to the diminution in the quantity of deer that are kept in the forest?
Yes, and also it has always struck me that as the farming improves, the quantity of stock diminishes.

756. The ponies are very bad, are they not?
Very.

757. Lord *Belper*.] Is it not good pasture for cows?
No; but there is some that is good.

758. Earl of *Romney*. Do you observe that the rough stuff gains upon the lawns?
I should think that it has encroached upon the lawns; that is within my observation.

759. Lord *Stanley of Alderley*.] Do you attribute that to the taking away of the deer?
Yes; I think the taking away of the number of deer which were kept there, and the Crown not having taken the quantity of land that it was entitled to, has been the cause of that.

760. *Chairman*.] In your opinion, if the Crown takes all that it is entitled to take, namely, 7,000 acres more, would the cattle keep down the rough stuff?
Yes; but I still think that there is not stock enough upon the forest. I may say that my father was agent for Lord Willoughby, and it was found there that the deer were not healthy from the quantity of grass that had accumulated. My father let that park for cattle feeding, and the deer became healthy, and the cattle became healthy, but when the cattle went first into that park a number of them died from the same cause as I have mentioned before, namely, the accumulation of the grass.

761. Lord *Stanley of Alderley*.] Do not the cattle in Salcey Wood injure the younger trees?
No, they would not turn the cattle in if the trees were liable to damage.

762. Still is it the fact that the younger trees were sometimes barked?
I never knew oxen do it, but horses will do it.

763. *Chairman*.] Can you tell the Committee what quantity of land there is in the forest which is fit for pasturage?
It is impossible to say.

764. A great deal of it is very bad indeed, all covered with heather?
It is almost bare of pasturage in some places. I have no doubt that the bare parts will be improved by planting Scotch or other firs. I do not think that it would grow oak at all.

765. Some of those parts would grow larch?
No, I do not think they would; the larch does not prosper in the New Forest; those that did grow would be rotten at the bottom after 30 years, a great part of the forest is gravel.

766. Lord *Stanley of Alderley*.] What is Salcey; is that clay?
A great part is clay, and some part is gravel, but a great part of it is the clayey district of Northampton, the same as Whittlewood.

767. Earl of *Romney*.] Would draining improve the New Forest?
The planted land is amply drained.

768. Duke of *Somerset*.] We have heard a great deal about the right of turbary; do you think the right of turbary very destructive of the soil of any forest?
Yes, there is no doubt of it; you cannot prevent the people from paring for their use in cultivation. A man who has a right to take it for his house, you cannot prevent using it for cultivation.

769. Lord

769. Lord *Stanley of Alderley*.] He would take away the best of the soil?
No; he could not cut the best of the soil, the Crown officers take care that he should not do that; they allot places for the turbary cutting where there is heath.

770. Is there any peat in the New Forest?
Yes.

771. Do they cut that?
No, very little; there is a good deal of bog in the New Forest.

The Witness is directed to withdraw.

Adjourned to Tuesday next, at Twelve o'clock.

Die Martis, 23° Junii 1868.

LORDS PRESENT:

Duke of SOMERSET.	Lord PORTMAN.
Earl of DEVON.	Lord STANLEY OF ALDERLEY.
Earl of ROMNEY.	Lord BELPER.
Earl NELSON.	Lord NORTHBROOK.
Viscount EVERSLEY.	

VISCOUNT EVERSLEY, IN THE CHAIR.

LAWRENCE HENRY CUMBERBATCH, Esquire, is called in; and Examined, as follows:

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772. *Chairman.*] I BELIEVE you are the Deputy Surveyor of the New Forest?
I am.

773. Do you produce from Mr. Howard's office a return of all lands, portions of the New Forest, sold to any railway company, with the name of the company, the date of the sale, the price received, and the appropriation of the money; and also a return of all lands, portions of the New Forest, exchanged between the 1st of April 1848, and the 31st of March 1868?
Yes.—(*The same was handed in,* vide *Appendix.*)

774. When were you appointed deputy surveyor?
In 1849.

775. That was before the New Forest Deer Removal Act was passed?
Yes.

776. What was the number of deer in the forest at that time?
About 2,000.

777. Was that more or less than had been kept before?
Very much less than had been kept in former years.

778. Did the deer consume all the bad pasture of the forest during the winter?
The deer fed upon the very best pasture in the New Forest, though they also might have consumed some part of the rough stuff during the winter time; but the deer always picked out the best portion of the forest to feed upon.

779. Lord *Portman.*] The shortest grass?
The shortest and best grass.

780. *Chairman.*] Did the commoners' cattle feed with the deer during the summer months?
Yes, they fed in the same places as the deer did.

781. In the winter heyning were the commoners' cattle excluded?
Not strictly.

782. They had no right or title to be there during the fence months, or the winter heyning?
No.

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783. They were always liable to be driven at any time?
The cattle were liable to be driven during the winter heyning, but during the fence month the right has not been exercised for a great length of time.

784. The commoners' cattle were not really removed during the fence month?
No, they have not been for a great length of time.

785. Before the deer were removed was the pasturage exhausted by the deer and the commoners' cattle?
No.

786. Do you think the pasturage now is exhausted?
No, there is room for a great many more cattle than are now turned out.

787. Do you think the amount of unconsumed pasturage has been increased materially since the deer have been removed?
The removal of 7,000 to 8,000 deer, which at one time were kept, must have greatly increased the pasturage.

788. You have had, of course, to superintend all the inclosures that have been made?
Yes.

789. One of the witnesses whom we examined last Tuesday mentioned several inclosures which he thought had been exceedingly injurious to the commoners; those inclosures being on the Romsey side of the forest, viz., Shave Green Inclosure, Brockis Hill Inclosure, and Buskett's Lawn Inclosure, and which were said to be the best feeding grounds in the whole forest?
The quantity of land inclosed on that side of the forest was very small; it was more free from inclosures than any other part. There is more pasture between those inclosures perhaps than anywhere else, because it is good land. Those inclosures are very small.

790. Were those inclosures that have been made of late years made under the Act of William III., or the Deer Removal Act?
They were not made under the Deer Removal Act.

791. If they had they would have been larger in extent?
They would have been larger in extent, because by the Deer Removal Act nothing can be inclosed under 300 acres.

792. No inclosures have been made of less than 300 acres since the Deer Removal Act?
Not under any commission issued subsequent to the passing of the Act, the words of the Act being, "Any commission hereafter to be issued." The commission under which those were made was issued previous to the passing of the Act, and the inclosures were selected previous to the passing of the Act.

793. Duke of *Somerset*.] Do you say that no inclosure since the passing of the Act in 1851 has been made of less extent than 300 acres?
Inclosures have been made of less than 300 acres in extent, but under a commission issued previous to the passing of the Act.

794. But no commission has been issued since 1851 which has authorised the inclosure of any land less in extent than 300 acres?
No.

795. *Chairman*.] You have seen the report sent in by Mr. Howard, and which has been presented to Parliament?
Yes.

796. In page 4 of that Report, you will find the name of a great many inclosures that have been thrown out; what do you say is the character of the pasturage in those old inclosures that have been thrown out?
There is in those inclosures a considerable amount of pasture as compared with the rest of the forest, not as compared with the cultivated land, but as compared with the rest of the forest there is a considerable amount in those inclosures; and it will continue to increase as the trees are thinned and the brushwood disappears, as it always does after a certain period. For instance, in

in one or two of them, Aldridge Hill and Rhinefield Sandys, there is hardly any underwood left.

797. With regard to those inclosures, how thick do the trees stand; how many trees have you to the acre?
It varies very much according to the size of the trees; in the good parts of the land where the trees have grown rapidly, they are much wider apart than upon the poor parts, where the trees are still small.

798. That land would support 20 oaks to the acre, and give good pasture, would it not?
It would support more than 20 oaks to the acre.

799. But not give good pasture?
I think it would. I have seen many plantations where there has been good pasture with trees to a greater amount than 20 per acre.

800. The Crown is entitled to plant 16,000 acres, of which 9,000, I believe, have been planted. Speaking in round numbers, how many acres do you think there are in the forest which are still fit for the purposes of planting with navy timber?
About 10,000 acres fit for planting oak.

801. The forest consists of 66,000 acres, or, according to Mr. Howard, of 63,000?
The quantity is 63,000, exclusive of the Crown's freehold, over which the commoners have no right.

802. Of course a portion of the forest is still covered with old timber; we understand that there would still be 43,000 acres left, or nearly so, excluding those parts of the forest which are covered with the old woods. We are informed that there is a great deal of forest land that will not pay for planting oak, is not that so?
Yes. Those parts which are already inclosed, and those parts which are proposed, or provisionally selected, would include a great deal of land which is not fit for the growth of oak. Under the Deer Removal Act, the Crown is empowered to plant oak or other trees.

802.* Will it pay to plant fir in the worst parts of the land?
I think so.

803. You have the power, after a certain number of years, of throwing out the old inclosures, and of planting as much land in addition as you throw out?
Yes; provided the Crown has never more than 16,000 acres out of 63,000 acres inclosed at one and the same time.

804. Do you think that in process of time that will exhaust all the available land in the forest?
I think there will always be sufficient pasturage for the commoners, provided the Crown never incloses more than 16,000 acres at one and the same time.

805. And provided also that the old inclosures are thrown out in a state fit for pasture?
Yes.

806. Do you remember having given evidence before the Committee of 1854?
Yes.

807. A letter of yours, addressed to Mr. Kennedy, was produced before that Committee, Mr. Kennedy being at that time one of the Commissioners of Woods and Forests; in which letter you speak of the Deer Removal Act, and say: "I beg leave respectfully to lay before you what has occurred to me on this subject since the passing of the Deer Removal Act, by which the Crown acquired the right to keep inclosed for the growth of timber 10,000 acres of the New Forest, in addition to the 6,000 acres authorised to be kept inclosed for the same purpose by former Acts. At the time the above-mentioned portions of the forest, 10 in number, were proposed for inclosure, and approved by the Com-

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mission of 1851, the Deer Removal Act had not passed. It is now no longer necessary to select such comparatively small spots; but the Crown, having acquired such extensive rights, might select much larger areas that would include within their bounds the areas selected by the Commission of 1851, and thus save much fencing; because, if the Crown does exercise its right of inclosing 16,000 acres, and the best land for planting is inclosed, these portions selected in 1851 will necessarily be inclosed within such more extensive plantations, because the surrounding land is almost the only land which would be worth planting. What I would venture to propose for your consideration is, that before actually fencing in any further portions of the land selected by the Commission of 1851, the deer having now been substantially removed, a new Commission should be issued under the Deer Removal Act, for inclosing 10,000 acres of land. I have before mentioned that this would necessarily include the lands not yet inclosed, though selected by the Commission of 1851; and thus all the fencing of such selected inclosures would be saved, and a small slight bank might be thrown up, to be a division between the land selected by the Commission of 1851, and the land selected under the powers of the Deer Removal Act. If this were done, nearly the whole of the land fit to grow oak timber in the New Forest that is not covered with growing plantations, or already inclosed for the purpose of planting, would be inclosed; and though it must be some years before the whole of the old timber now standing upon the same could be cleared away, or the land planted, yet, in the meantime, much would become self-sown. It appears to me to be important that the Crown should, as soon as possible, exercise its right of inclosing the 16,000 acres, because, exclusive of other advantages, by so doing all the best pasture would be taken from the commoners, and the value of their rights of pasture would thus be materially diminished, which would be of importance to the Crown in the event of any such rights being commuted, as suggested in the 31st Report to Parliament, a copy of which I have had the honour to receive from you." Though the interests of the Crown are there looked to, is it equally clear that the interests of the commoners are regarded?

That applies to the planting of oak; the planting of oak upon the good land may diminish the value of the pasture, but the poor land upon which there is hardly anything growing but a little bare heath, and which really produces no grass at all, after it is inclosed and planted with fir, produces a considerable amount of grass.

808. Is that the common Scotch fir, or the larch?
The Scotch fir.

809. Do you ever try larch in the forest?
We do try larch, but it has not been successful; we have found, even at the age of 20 years, upon good land where the larch was still continuing to grow rapidly, the trees were completely rotten at the butt, and upon the poor soil larch would not grow at all; it would be useless to plant it.

810. Lord *Nelson*.] You say that since the Deer Removal Act inclosures have not been made of less than 300 acres?
They have been made of less than 300 acres since the passing of the Act of 1851, but they were made and selected under a commission which was issued previous to the passing of the Act. The Deer Removal Act says, that the inclosures shall not be less than 300 acres, "under any commission hereafter to be issued."

811. So that there is no right under the previous Acts to inclose less than 300 acres now, under any commission?
That is quite clear by the Deer Removal Act, under any future commission.

812. As to the state of the woods that are turned out of cultivation, I see it was stated by a former witness, that the woods similar to those turned out in the forest were let at 5*s*. an acre; should you be inclined to put that value upon any of the woods in the New Forest that have been turned out?
I am quite clear, that if the 6,000 acres which have been thrown out were not subject to common rights, I could let them for a considerable sum; perhaps not at first, in the present state of the trees, at so much as 5*s*. an acre, but they might possibly come up to that hereafter.

813. How much of the 6,000 acres that have been turned out should you think would come up to anything like 5*s.* an acre?

I do not think, in the present state of the plantations, there is any land that would fetch 5*s.* an acre, though the 6,000 acres might be worth a considerable sum.

814. Do you think that by cutting the underwood before the inclosures were turned out, and by stripping off the boughs of the trees, it would improve the pasturage and make it of greater value?

It would be very objectionable to bough the trees, more especially the oak trees, and very injurious to them. As regards the underwood, that is from time to time cut for the purpose of getting at the trees to thin them, so that the underwood continues to decrease from time to time.

815. We have heard a great deal of the dangers of the ditches in these pastures, does not that generally arise from their being overgrown?

I do not think there is a greater per-centage of cattle lost from these ditches in the New Forest than there would be upon a similar estate of 63,000 acres, in any cultivated district, where cattle are from time to time lost. I think quite as many animals are lost by the bogs as by the ditches. I have more than once been requested to make ditches, in order to drain the bogs, as they prevent cattle being lost in the bogs.

816. As a matter of fact, the ditches in these newly turned out inclosures are generally blind ditches, are they not?

Some of them are, but they are cleared out from time to time.

817. But the greater number of them are blind ditches, are they not?

A great many are covered over, at certain times, till they are cleared out again.

818. Mr. Clutton the other day was asked if the forest wanted any draining, and I think his answer was, that it was very well drained?

I presume he alluded to the planted ground being well drained, because, with the exception of the land drained under the Railway Act, no uninclosed land has been drained; therefore, if Mr. Clutton made that remark, it must have had reference to the inclosures.

819. The new inclosures, I know, have been very well drained, but is it not the fact that, in consequence of that draining, the brooks have overflowed, and stagnant water is often found on the lawns?

The ditches made to drain the new inclosures bring the water down much more rapidly, but it disappears also equally rapidly.

820. You have noticed that the lawns have standing water upon them very often.

Some of the lawns have standing water upon them, but many of the principal lawns have been drained by large arterial drains, from the railway drainage fund.

821. Do you think this overflow of the lawns to which I allude has been occasioned by the draining of the plantations up above?

The drainage brings the water much more rapidly on to those lawns, and it disappears more rapidly than it used to do before the ditches were made.

822. Would not it be a fair way of expending the remainder of that money for draining, to open the watercourses still more, so as to prevent the water from stagnating upon the lawns?

The remainder of the railway drainage fund was invested by the request of the verderers, for the purpose of keeping in repair the existing drainage in 1851.

823. But they have not done anything to the existing drainage?

A considerable sum has been expended in keeping in repair the 10 miles, or thereabouts, of open cuttings; and also keeping in repair some of the under drains, which got stopped up.

824. They were made with very small pipes, were they not?

Some of them were made with very small pipes.

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825. Has any attempt been made to put a larger-sized pipe over any part of that district?
Not yet.

826. Where do the cattle generally feed?
They feed over the whole of the New Forest.

827. Where do we generally see most of them?
It depends entirely upon the time of day in which you look for them; if you look for them in hot weather, during the middle of the day, or after nine or ten o'clock, they are congregated in the ponds, or shades, where there is wind to keep the flies off.

828. Is not it a fact, that the chief pasturage of the forest is on the lawns?
There is more pasturage on the lawns than there is on those parts of the forest that are partially covered with heather.

829. Can you give me any idea how much lawn you have taken in those inclosures?
Very little pasturage indeed has been taken from the commoners under the Deer Removal Act, because the land taken under that Act has been very inferior in quality as compared to the land taken under the old Acts.

830. Is not that security given to a certain extent by a provision of the Act, that you should not take less than 300 acres?
It is, to a certain extent; and, as I understand it, that clause was specially put in to prevent our taking small pieces of good land without taking any inferior land with it.

831. But, nevertheless, in a certain number of years, with that limitation, you would be able to take nearly all the lawns of the forest?
At some remote period, when the taking in, and throwing out of the 16,000 acres had been repeated several times, no doubt that would be so.

832. You think it would not be till a very remote period?
It would take, according to our present rate of planting, a very considerable period before that would be so, and the largest lawns in the forest, which are drained out of the railway drainage fund, would always be excluded from the planted ground.

833. In choosing an inclosure, now, do you take the main part of the land as land fit for growing oak timber, or do you also consider the importance of inclosing land for other timber?
Under the Deer Removal Act, we consider the importance of making an inclosure for other timber besides oak.

834. In Islands Thorns, for instance, you go very little up the hill; it is nearly all on the bottom?
Islands Thorns was not made under the Deer Removal Act.

835. That was a plantation made under the old Act?
Yes.

836. You consider that under the Deer Removal Act you are almost bound to include some of the poor land for other trees as well as rich land for oak timber?
The lands are so intermixed, the good with the bad, that it is impossible to take any large tract of good land without taking a considerable portion of bad with it.

837. We have heard that the lawns are very much overgrown with rough grass, have you noticed that?
I have not noticed that they have been overrun to a great extent; certainly in some places there is a little heather coming up which you did not see some few years ago, but I believe that that arises from the want of sufficient stock being turned out in the forest.

838. But nevertheless the effect of the inclosures that have been made has been to drive, in some places, more cattle upon the lawns?

I do

I do not think so; the cattle only feed on the lawns at certain times of the day, and then they spread themselves all over the forest; they generally feed upon those lawns at the time they come backwards and forwards to the shade.

839. The fence month has never been enforced?
Not that I am aware of.

840. And the winter heyning has not till lately?
It has not been put in force lately; it has never been put in force very strictly; only just sufficient to keep up the right of the Crown.

841. It has only been since the Act of 1851 that the winter heyning has been put in force?
It was put in force previously.

842. But the fence month never?
Not within living memory, I believe.

843. Duke of *Somerset.*] You say that deer always feed upon the best pasturage?
They always feed upon the best pasturage.

844. If there were, as you say there were, formerly 7,000 or 8,000 deer kept in the forest, would not that, during all the summer months, greatly diminish the food that the commoners' cattle get?
Yes, it would.

845. Do you know the number of cattle that are at any one time in the forest?
I do not know the number accurately, but I should think that at the present time there are not more than 3,000 head out.

846. Do you know whether in former times there were more?
I think that at some periods there have been more turned out.

847. When you say 3,000 head of cattle, that includes the horned cattle and the ponies?
The horned cattle and the ponies.

848. Has the absence of the deer reduced the expense of fencing the new inclosures?
Yes, it has.

849. Then, so far, in that respect it has been a gain to the Crown in point of expenditure?
Yes, and also for the commoners, because their fences are less expensive now than they used to be when they attempted to keep out the deer.

850. The fencing for those who have lands in the neighbourhood is less also?
Yes.

851. With regard to the farmers in the neighbourhood, did not they use to complain that the deer came in and ate their turnips in the winter?
They made constant complaints of the deer eating their turnips and their standing corn.

852. As long as the deer were kept, there were constant complaints of injury done by the deer?
Yes.

853. And now the deer are gone there is a complaint of the want of deer; have you heard that complaint in the forest?
I have heard some parties certainly say that they would like some deer.

854. With regard to the Scotch fir, does the planting of Scotch fir pay at all?
Yes, it pays very well.

855. Formerly, when you planted Scotch fir with the oak, was it not the fact that the Scotch fir were cut and left to lie on the ground because it would not pay to take it away?

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It was so when the demand for Scotch fir was much less than at present. When I came to the forest first there was a large quantity of Scotch fir which was not saleable, but now I can sell any amount of Scotch fir. Formerly a great deal was left to rot on the ground in consequence of there being no demand for it, but latterly there has been a very fair demand for Scotch fir.

856. Do you sell it by the ton?
By the hundred of poles.

857. What sort of price do you get?
Some of it is high priced.

858. Is it used for fencing?
It is used for railway sleepers; and the smaller portions for pit props and for the fencing of railways.

859. Could you say what you get per acre for it?
It is never sold by the acre, because it is merely the thinnings of the plantations. The large poles would sell for 7*d.* or 8*d.* a foot.

860. And what would the small poles for pit props sell for?
At various prices, down to 10*s.* a 100 for the very small ones.

861. Do you consider that planting any other timber pays as well, or better, than planting oak in the forest?
The Scotch fir pays better upon the poor land, which would not grow oak to any valuable size.

862. Even where you can grow oak, looking at the length of time the oak takes in coming to any maturity, do you consider that the oak pays better than other wood?
The fir pays much more rapidly, but in the end oak would pay well upon land suitable for it.

863. If the object of the Office of Woods is to show a good return to the House of Commons, they would naturally be inclined to grow the crop that pays most rapidly?
They would.

864. You were asked respecting the gradual covering of the forest with trees; you have seen some of the other forests, I think?
Yes.

865. Have you seen the Forest of Dean?
Yes.

866. What has been the effect of planting the Forest of Dean; has it not almost entirely been covered with trees, all the best land there?
A very large proportion. I think 11,000 acres and upwards have been covered with trees.

867. All the rights of common there have been very much reduced in value, have they not?
I have no experience as to the rights of common there.

868. Looking at the long growth of oak, must not it be the effect of even the system of planting which went on under the Act previous to 1851, that the forest must gradually become covered with trees?
Yes.

869. The Act of 1851 only carried out further the system that was in progress before?
Exactly so; it was the same in principle. It only made an addition of 10,000 acres to the 6,000 acres which the Crown had the right to plant before.

870. Many complaints were made by persons resident in the neighbourhood of the forest before the Deer Removal Act, that it brought a number of poachers and bad characters into the neighbourhood who began by stealing the deer and ended by stealing other property; do you know whether the character of the people has been at all improved by the removal of the deer?

The

The character of the people has certainly been improved, because we have lost those characters who used to live entirely, or nearly so, by stealing deer.

871. Those characters have left the neighbourhood?
Yes.

872. Are you aware whether in the neighbouring parishes there has been a great diminution in the number of those bad characters?
Those men who poached the deer lived in parishes surrounding the forest.

873. The removal of the deer has produced a considerable diminution in that class of persons?
Yes, it has.

874. So far it has answered one of the purposes for which the Act was passed?
Yes, it has.

875. Looking to the dissatisfaction which the commoners have expressed in their petitions, and to the difficulty of reconciling the interest of the commoners with the interest of the Crown, do you think it would be desirable to have an Inclosure Act passed, and to take absolutely for the Crown such a portion of the land as would be a fair equivalent for its rights?
Yes, I think it would.

876. You think that the complaints that constantly arise on the part of the commoners, and the difficulty of reconciling the conflicting interests, make it desirable that some such Act should be passed?
Yes, I think so; because though the commoners have now got the full benefit of the relinquishment of the Crown's right to keep an unlimited quantity of deer upon the forest, and though we have only inclosed 3,000 acres out of the 10,000 acres which we have a right to inclose, they have already begun to complain of the extent of the inclosures, and to form an association for the prevention of undue inclosures; that clearly shows that the most desirable thing would be that the forest should be inclosed.

877. Have those commoners votes for Members of Parliament?
Yes.

878. Then there is likely to be a good deal of pressure upon Government?
It might be so.

879. Looking to the interests of the Crown, that is, to the interests of the public, it is desirable to have an Inclosure Act, you think?
Yes, I think so, for the interests of the public.

880. And for the better management of the land itself, because this joint ownership of the land, partly by the Crown, and partly by the commoners, can never be very advantageous to either?
It is always objectionable; and it has been found so objectionable in other forests that it has been done away with by general Inclosure Acts.

881. Lord *Stanley of Alderley.*] What is the state of the pasturage in the inclosures which have been thrown open; is it of any value to the commoners?
It is of considerable value to the commoners; the commoners would feel themselves very much aggrieved if they were not allowed to pasture in those plantations which have been thrown out.

882. Is the pasturage in those plantations pretty good?
In some places it is.

883. Lord *Portman.*] As to the question of inclosure, assuming that it is desirable to inclose the forest, using that word in the sense you have used it, how would you set about it?
First of all an Act must be passed, as in the case of all the other forests, and then the Crown's allotment must be set out for its paramount rights.

884. How would you proceed to deal with the commoners?
The remainder would be left for the commoners.

 885. The

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885. The commoners' rights, I apprehend, are now pretty well defined?
Yes, they are well defined by the register of decisions on claims.

886. Supposing a large portion of the commoners, or any commoners, were disposed to sell their rights to the Crown, would you think it an expedient mode of making such an inclosure to take first the power to buy the rights of the commoners, and then to take the power to sell land to such commoners as were in a condition to ask for the purchase of land?
No; I think it would be most desirable that the commoners should have an allotment of land, and not be paid in money: an allotment of land, as has been done in the other forests.

887. Assuming that there are 900 commoners, do you propose that a portion of land should be given to the whole 900 commoners, or that each commoner should have a piece of land according to his rights?
The commoners would get their allotment as a whole, and, as in the case of Alice Holt and Woolmer, they might keep it as a common, or they might get it allotted in severalty, according to their rights.

888. Assuming that the commoners had a block of land appropriated to them, how would you deal with this difficulty; some commoners live in the neighbourhood of Romsey; some commoners live in the neighbourhood of Ringwood; and other commoners live in the neighbourhood of Beaulieu; how are you going to suit all those different parties?
They would get allotments in the neighbourhood of their property.

889. If you give all the commoners one block, how can you say that it would be in the neighbourhood of their property?
I must correct that. I did not intend to say that it should be in one portion, but that it should be separated from the Crown allotment. It would be given in different portions of the forest, to suit the situation of the different properties to which the rights of common are now appurtenant.

890. In taking the allotment for the Crown, would you think it necessary that the primary object should be, that the Crown should have good land fit for the growth of oak, and trees generally, or that they should take a large portion of land in lieu of all rights of the Crown?
I think it should take a large portion of land in lieu of all its rights; but that would be a matter that would be left to the persons who, under the Act, had the deciding of the question.

890*. You are not able to suggest any principle, to be embodied in an Act of Parliament, by which the Crown should take certain large portions of the forest in lieu of its rights?
I think the course should be followed that was taken in the case of Woolmer Forest, which has been found perfectly convenient to the commoners; they have got allotments in situations convenient to them.

891. What is the size of Woolmer?
Five thousand acres.

892. You are comparing 5,000 acres with 63,000 acres?
Yes, but the principle which applied to 5,000 acres would, I think, also apply to the 63,000 acres of the New Forest. The Crown allotment should be as much as possible in the centre of the forest, leaving the outskirts for the commoners.

893. Is it not the fact that the greater part of the people who really turn their cattle out in the forest benefit much more largely by a sort of usurpation than they could possibly claim under any rights that they really have?
Yes.

894. And, therefore, though a number of people may be dissatisfied now, those same people would be much more dissatisfied if they had an allotment only equal to that which they had a right to have?
I think some of them would.

895. Lord *Stanley of Alderley*.] Are you aware of the manner in which the inclosure of Wychwood Forest was carried out?

Not

Not particularly; I understand the arrangement was similar to that in the case of Woolmer.

896. We were told that in that case the land in the central part of the forest was appropriated to the Crown, while the land outside was appropriated to the commoners?
That was the case in Woolmer, and that is the most convenient course to be taken in the case of the New Forest.

897. Lord *Portman.*] Among the grievances that have been stated to this Committee, one is the clearing of the forest during the winter heyning; practically has there been any difficulty in that respect?
No, there has been no difficulty. That right of the Crown to exclude during the winter heyning has been exercised to a very small extent indeed; an occasional drift; in fact I do not think till last March there has been a drift for three years.

898. It has been a drift rather to keep up the right of the Crown than to worry the people?
Yes, practically they turn out both ponies and cows during the whole winter.

899. There is a great deal more cattle feed than there used to be, is there not?
A great deal more, in consequence of the removal of the deer.

900. You say that there are now 3,000 head of cattle in the forest, and that there used to be more?
Yes.

901. Is it within your knowledge that parties on the western side of the forest, a little distance from the forest, have ceased to send their cattle to feed in the forest?
Yes, not only there, but in many other places; many have gone into sheep farming, and many do not find it worth while to send their stock to the forest at all.

902. Particularly in the district of the Avon, I believe?
The farmers in the vale of Avon who used to send a considerable quantity of cattle do not do so now.

903. As to the drainage under the Railway Act, is it your opinion that that drainage is well done?
I think it would have been better if the pipes had been larger and the drains more frequent, if it was intended thoroughly to drain the land.

904. Those small pipes have become choked very much?
Many of them have.

905. Is not it the fact that a great deal of the water that passes through them is full of iron?
Yes.

906. Does not that of itself corrode the pipes very much?
Yes.

907. In fact if they put in a larger size pipe that would be liable to corrosion from the iron water?
It would be liable to it, but not so liable as with a small pipe.

908. Are you aware that in districts where the water is very much impregnated with iron, alder drainage has been adopted with great success?
Yes.

909. If Mr. Parkes had used alder instead of pipes, he would have spent a great deal less money, and have more effectually drained a great part of the forest?
I had experience in Sussex of wood drains lasting a great many years, that is to say, faggots put in and covered over.

910. Are you aware whether the commoners are in the habit of subletting their rights?

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I think that some of the commoners claim cattle, in the case of a drift, to be theirs which are not really theirs.

911. For instance, supposing the men living about the Avon ceased to send their own cattle, are you aware whether they let to others the right of sending cattle in their name?
I am not aware of any such case.

912. You speak of the Scotch fir paying; starting with the planting, and going on to the time of cutting down, what sort of return per acre do you get for it?
I have known some plantations to be worth as much as 40 *l.* an acre of 40 years' growth; there are some plantations in the valley of the Avon, which are very poor land, that have paid as much as that.

913. There are all the expenses of the plantation, from beginning to end, to be taken out of the 40 *l.*?
Yes, and the compound interest upon them.

914. The oak, you think, pays upon land that is fit for the growth of oak?
I think so.

915. Then there is a great deal of oak in the forest grown upon land unfit for it, which probably sells at a very small price?
There are some parts of plantations which will not produce oak of a large size.

916. How is it, then, that men can send 100 miles to buy oak in the forest when they have oak near them, and make a profit by it?
I should be happy to have some of those gentlemen down, because I have a considerable quantity of timber unsold.

917. Are you aware that people send to the New Forest for gates and hurdles which are made by people who live at the edge of the forest; though they have oak near them, which they could themselves convert, they find it more profitable to go to the forest instead of using their own?
I have no doubt some of our oak travels a considerable distance, because it goes into the north; to Sunderland, for instance.

918. That must be because it is cheap?
No doubt.

919. The Office of Woods stands in the position of taking care of the reversioner as well as of the tenant for life; in the interest of the reversioner, what would you plant?
It must depend entirely upon the soil; on poor soil I certainly should not plant oak, because it would not grow it to perfection, but upon the land which was really well suited to oak I should put oak.

920. Then, in the interest of the reversioner, you would not be inclined to inclose any land which is not fit for the growth of oak?
I should take both. If the Crown had an allotment in severalty, I think it would be more profitable to use some of it as cultivated land and some as timber land, as in any ordinary estate.

921. Then you would require a power under the Inclosure Act to cultivate as well as to plant?
Unquestionably; the allotment given to the Crown should be the freehold of the Crown, to be dealt with in the most profitable manner.

922. Then in the interest of the tenant for life, that is to say, the Office of Woods during the reign of the present Sovereign, you would not be careful to see that the land to be planted was only fit to plant oak, but you would be content to have land that would grow fir?
Yes.

923. Then would you contemplate, after an inclosure was made, the sale of large existing plantations, for the purpose of inducing people to build residences in some of those large plantations, which already may be called parks without a house?

I think

I think that there would be such a considerable estate here, that it should be retained by the Crown, selling only those outlying portions which might be allotted to it.

924. Take Bolder Wood, for instance?
I should advise that that should not be sold.

925. Lord *Stanley of Alderley*.] I suppose you would propose that in the event of a large allotment being made to the Crown, it should have it in full possession, so as to dispose of it to the best advantage, either by selling it or by dealing with it in the way most to its advantage?
I would.

926. Do you think that the right to send out cattle during the winter heyning, if it existed, would be of much value to the commoners?
It would be of considerable value to them to acquire the right to turn out in the winter heyning.

927. You think they would avail themselves of it largely?
They do avail themselves of it now.

928. Practically, they are not interfered with?
They are not interfered with, except to that limited extent necessary to keep up the rights of the Crown.

929. Earl of *Romney*.] In the letter which you wrote to Mr. Kennedy in 1853, to which the Chairman called your attention, you say, "It appears to me to be important that the Crown should as soon as possible exercise its right of inclosing the 16,000 acres, because, exclusive of other advantages, by so doing all the best pasture would be taken from the commoners, and the value of their rights of pasture would thus be materially diminished, which would be of importance to the Crown in the event of any such rights being commuted, as suggested in the 31st Report to Parliament, a copy of which I have had the honour to receive from you." Is your opinion still that that is the course which ought to be pursued?
I am of opinion that the 16,000 acres ought to be inclosed as soon as possible, under the Deer Removal Act.

930. You point out there how you would propose, in the first instance, to reduce the value of their property, by which the Crown would gain?
That applies to the oak land.

931. Lord *Belper*.] I understand you to recommend in that letter that this land, the inclosure of which was authorised under those Acts, should be inclosed at the earliest possible time, but we know that only a small portion of that has been inclosed; are you able to explain the reasons why that has not been done?
I cannot say for what reasons it has not been done; only 3,000 acres have been inclosed out of 10,000.

932. Earl of *Romney*.] If the power given by that Act were enforced as fast as possible, would not it have had the effect which you there point at, of destroying the property of the commoners?
It would diminish the value of pasturage upon the good land of the forest, to inclose and plant it; I am speaking more particularly of oak land.

933. At the same time, the Crown has the right to inclose that amount of land, be it fir land or oak land, and the mode of inclosing and throwing it out is such as to diminish the value of the pasturage rights; then, when you come to inclose the land, they would receive, in respect of their pasturage rights, less and less each time?
It would diminish the value of the pasturage rights on the good land, but it would increase the value of pasturage on the poor lands of the forest, where there is hardly any pasturage whatever. When those poor lands, on which there is now nothing but a little heath, are inclosed, a considerable amount of pasturage does spring up.

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934. Lord *Stanley of Alderley*.] Do you not consider that you have given the commoners full compensation for their rights by removing the deer?
I do.

935. So they would have no right to complain if the Crown inclosed the whole of the 10,000 acres which they have the power to inclose?
No, because that is merely the compensation to the Crown for giving up the right of keeping an unlimited quantity of deer, which could be exercised to such an extent that very little pasture would be left for the commoners.

936. Earl of *Romney*.] Do not you consider, looking at the cost which the deer were to the Crown, and the unproductive character of the forest when the deer were kept, the Crown gained as much, and even far more than the commoners, by their removal?
The Crown, no doubt, gained in that respect, but the absolute right to keep an unlimited quantity of deer was a right which the Crown gave up, and for which they were to be compensated, quite irrespective of any question of the management of the deer which might cause a loss to the Crown.

937. Were not the Crown practically restrained in the quantity of deer they kept, by the fact of the deer dying when they were kept beyond a certain quantity in the winter?
So large a quantity were actually kept (between 7,000 and 8,000) as to do serious damage to the farms and lands adjoining, and also to consume a very large amount of the best pasturage in the forest.

938. Do you think it is right that the Crown should in all cases select the land with reference to planting oak, that is to say, that they should always select the best land?
They have not done so; the lands already inclosed under the Deer Removal Act are, some of them, the worst lands in the forest. For instance, in the Deer Leap Inclosure, which was inclosed in 1867, there was some very poor land; in Knightwood Inclosure there was also some very poor land; in Milkham and in Shifter there was also some very poor land; and within the proposed inclosures there is also some very poor land.

939. In those inclosures, what proportion would there be of good and bad land?
The proportion of poor land, which would only grow Scotch fir, is very large in proportion to the good land.

940. Earl of *Devon*.] I understand your suggestion to be that, on the inclosure of the forest, the land which should be given to the commoners in satisfaction of their rights, should be on the circumference of the forest?
In the situations which would be most convenient to those commoners.

941. The Crown taking a large block of property in the centre?
The Crown taking a large block away from the lands to which the common rights are appurtenant.

942. Are the commoners so located that that system could be carried out, or are there not in the centre of the forest persons who would claim common rights?
There are; as for instance, in Burley, Minstead, and Lyndhurst.

943. How would you deal with those?
It would be necessary to allot to them a portion of land near to their lands.

944. Do you think that that would interfere materially with your system of a centre block for the Crown?
No, I do not think that it would; of course, owing to the shape of the forest, we could hardly have one block; it must be given in more than one block. The most convenient arrangement would probably be that the Crown's allotments should be in several large blocks?

945. What portion of the 63,000 acres, which you mentioned as the extent of the forest, exclusive of the Crown's freehold right, not subject to the commoners, is in your judgment, good oak land?
About 30,000 acres; I should say that it is so intermixed that it is very difficult

difficult to give an accurate opinion upon it; you may step from good oak land on to poor fir land in a very few steps.

946. Can you tell us at all approximately beyond that, what quantity would grow Scotch fir profitably?
I think that nearly the whole of it would be worth planting with fir if the price of fir keeps up as well as it has done.

947. Where do you send your fir to?
I sell it on the spot, but it goes to various parts of the country; to Wales, to Scotland, and to the North; it is taken as back carriage; they bring coals, and carry back the fir.

948. Earl of *Romney*.] Do they take it by rail, or by sea?
By sea.

949. *Chairman*.] You were speaking just now of cultivating a part of this land; would that pay?
I think that some portion of the allotment which would be granted to the Crown, in the event of a general inclosure, would be worth cultivating.

950. Assuming Bolder Wood was allotted to the Crown, there is a great part of Bolder Wood which is unfit for cultivation, is there not?
The land in that locality might have a residential value, which would render it more desirable to keep it in an uncultivated state.

951. In the part allotted to the Crown, you think it would be desirable to keep up all the old forest timber, with a view of giving value to the land in a residential point of view?
Yes; there is a great portion of the timber in the New Forest which would be far more valuable if left to stand than to cut.

952. The timber being principally very fine old beeches, and very fine birch trees, which would not produce much if sold, but which would have a very great value if they could be attached to residences?
They have a high ornamental value.

953. It would be desirable, therefore, with reference to a future inclosure, not to diminish those woods more than could possibly be avoided?
Certainly.

954. Do you find that the demand for fuel makes it necessary to destroy a great deal of that ornamental timber?
No; we now give the fuel wood from the tops of the ordinary fall of timber.

955. There is no such demand as would prevent your preserving those old and beautiful woods with a view of giving a residential value to the land?
No; I understood your Lordship to refer to the fuel rights when I gave that answer, not to fuel for sale.

956. Lord *Stanley of Alderley*.] There are a number of very beautiful beech trees, which are of very small value, and which are even left to rot on the ground, are there not?
It is not the case that they have been allowed to rot on the ground; they have been cut down with a view of clearing for planting, but they have all been sold; they were sold at a small price.

957. With a view to any ultimate dealing with these Crown lands in the way of sale to persons desirous of building residences there, it would not, in your opinion, be desirable to cut down the fine trees?
I think it would be very desirable, supposing there is going to be an inclosure, that ornamental timber should be allowed to stand. It is far more valuable to stand than it would be to cut.

958. Duke of *Somerset*.] You have stated that only about 3,000 acres have been inclosed under the Act of 1851?
Three thousand and ninety.

959. When an inclosure is agreed upon, is the cost of making it large?
The cost of draining, fencing, and making the bridges and everything, is a considerable expense.

 960. Supposing

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960. Supposing you inclosed 300 acres, what would it be per acre?
It would be 7 *l.* or 8 *l.* per acre; the larger the inclosure the less is the cost of fencing.

961. The cost of fencing, and draining, and bridges, and so on?
Yes, and planting.

962. Lord *Stanley of Alderley.*] What do you make the fences of?
Of oak posts, with three rails of strong hoop iron made for the purpose, with a bank and a ditch.

963. Earl *Romney.*] Would those oak posts last all the time the inclosure would be kept up?
Yes; judging from the experience that we have had of fencing in former years.

964. Lord *Stanley of Alderley.*] Have you tried wire fencing to any extent?
No, not to any extent, because we found this hoop iron better for the purpose of keeping out animals than the strained wire. We have no expensive straining posts with this hoop iron.

965. Are they thin bars of iron?
They are bars of hoop iron made for the purpose thicker than the ordinary hoop, so that they are quite stiff.

966. That you consider the cheapest fence?
Yes.

967. Earl *Nelson.*] You said that 3,000 acres and odd had been inclosed under the Act of 1851, but more than 3,000 acres have been inclosed since 1851, under the previous acts?
Yes; 4,051 acres have been inclosed under the 48 Geo. 3, c. 72.

968. As to the deer, you stated that you considered that the lawns had been overgrown a little with grass and heath?
I think they have been overgrown with heath in some places to a slight extent, but I do not think that they have been overgrown to a great extent during the time I have been in the forest.

969. The good that was said to arise from the keeping of the deer was that they were supposed to have kept back this overgrowth, and to have kept the lawns in a better state; do you think that would be likely to be the case?
The increased quantity of stock when the deer and the commoners' cattle were out together, no doubt did keep it back, but the increased quantity of stock, if the commoners turned it out at the present moment, would always keep back that heath.

970. The commoners have no right to turn out more stock than they do turn out, have they?
Many of them might turn out many more than they do.

971. Lord *Stanley of Alderley.*] Many do not exercise the rights they have already?
No.

972. To what do you attribute that?
In some cases to their not keeping the stock. They have gone into sheep farming; and in some cases they have found out that it is much more profitable to feed an animal well on their own farm, and fatten it in a short time, than it is to keep it a longer time, and turn it out upon such herbage as it can get in the New Forest.

973. Earl of *Romney.*] Do you believe that horned stock eat heather?
I have seen them doing it in the New Forest.

974. Duke of *Somerset.*] With regard to the inclosure of the forest, have any of the commoners expressed any desire for such an inclosure?
I have heard some men express a strong opinion that it would be the best thing for the interests of the commoners that the forest should be inclosed.

975. Men of large holdings, or what class of men?
I have heard a magistrate for the county, owning some land there, express that opinion.

976. That it would be the best for the commoners and for the Crown?
That it would be the best for the commoners that the forest should be inclosed.

977. What would be the effect upon the small men, the men who have rights to turn out two cows, would they suffer very much; in other forests they have had small bits of land given in lieu of their rights; do you believe that if small bits of land were given them in the form of a garden, that would be a real benefit to them instead of a disadvantage?
In the case of Woolmer Forest I do not find that there has been any distress arising from the inclosure of that forest.

978. There they had small pieces of land given them for their rights, had they not?
Yes.

979. Are you aware how those small pieces are now cultivated?
Some are ploughed and some have been planted, but the inclosure has not taken place long. There was a talk of its being used as a camp at one time. It was supposed that the land would come to be of great value, and therefore, I believe, a great deal of it remains uncultivated.

980. The people are looking to a better harvest than a crop?
Yes.

981. Lord *Stanley of Alderley*.] They contemplate the probability of selling the land at a large price?
Yes, as has been done in the case of Aldershot, where a camp has been established.

982. Duke of *Somerset*.] Do you know of any land near the New Forest which has common rights attached to it having been sold?
Yes.

983. Do the common rights add much to the value of the land?
I think that they add to the value considerably where the estate is very small, but where the estate is of considerable size I think that they add very little to the value.

984. In small plots you think that they have added somewhat to the number of years' purchase given for the land?
I do.

985. Do you know at all what has been given for small plots of land in the neighbourhood?
There was some land at Lyndhurst, with forest rights attached, sold the other day for as much as 120*l.* per acre.

986. Earl of *Romney*.] What sort of land?
Meadow land.

987. Good land?
Good for the forest; there is no very good land in the forest.

988. Duke of *Somerset*.] What would the land have been worth, supposing it had not the common rights attached to it; you say that it sold for 120*l.* an acre; what would you suppose to be the value of the common rights?
I have no idea what the land might have fetched without the common rights.

989. Lord *Stanley of Alderley*.] You could not apportion the value given for the common rights, and the value given for the land simply?
I could not in that particular case.

990. Could you in any cases?
Yes, I think I might in some cases.

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991. Duke of *Somerset.*] Comparing the income and expenditure of the forest for years past, is the balance favourable?

The balance has been favourable for some years past, since 1851, I think.

992. Since 1851 you have generally had that favourable balance?

Yes, as compared with previous years.

993. Earl of *Romney.*] Has that improvement taken place in consequence of the trees growing older and becoming more valuable as compared with former years?

It has arisen partly from the increased growth of the plantations, and partly from the diminution of expenses.

994. *Chairman.*] When speaking of a general inclosure, I understood you in answer to Lord Portman, to say that you proposed that there should be a central block for the Crown?

Not one block; I corrected that afterwards. It would be impossible, with Minstead Manor and Lyndhurst and Burley in the centre, to give the Crown one block in the centre.

995. You would have certain blocks allotted to the Crown nearly in the centre of the forest, and you would have blocks of land for the commoners on the exterior boundaries?

Yes, on the exterior boundaries, allotted in the places most convenient to their lands.

996. Not separate allotments to each commoner, but a large space of ground to be enjoyed by the commoners resident on the spot nearest to it?

Yes, with which they might deal as they thought proper.

997. Lord *Portman.*] In point of fact, according to that plan the Crown would be in severalty, and the commoners in common?

So long as they pleased to remain so.

998. Lord *Stanley of Alderley.*] You would not preclude the commoners, if they thought it more advantageous, making allotments out of that?

Certainly not; it would be left to the commoners to deal as they pleased with the allotment; if they found it more profitable to keep it common they would do so, but if they found it more profitable each to take his own allotment in severalty they would do so. For some years in the case of Alice Holt, they kept their allotment in common, but after a time, about 1854, I think, they got it apportioned in severalty.

999. Earl of *Romney.*] All those are matters that would be settled when the Inclosure Bill was brought in?

They would all be settled when the Inclosure Bill was brought in.

1000. *Chairman.*] Have you had your attention called to the letter of Mr. Sturgis Bourne, referred to in the proceedings in 1848-49, in which he admitted the right of the proprietors to shoot the deer?

I am aware of that letter, but I do not agree with it. Mr. Compton, in his claim in 1670, distinctly stated that his wood-ward was to be sworn to preserve the deer upon his manor.

1001. Compensation was given to the different owners of land within the forest, in order that they should abstain from destroying the deer?

That was done even upon Mr. Compton's manor.

1002. Lord *Stanley of Alderley.*] Those gentlemen could only have killed those deer by a violation of the forestal law?

I consider it would have been a violation of the forestal law.

The Witness is directed to withdraw.

JAMES KENNETH HOWARD, Esquire, is called in; and further Examined. as follows:

J. K. Howard, Esq.

23rd June 1868.

1003. *Chairman.*] I UNDERSTAND that you wish to explain some part of your evidence?

A question was asked me by the Duke of Somerset, whether there was any other Act except the Dorchester and Southampton Railway Act, to which allusion was being made at the time, which empowered the Crown to sell waste lands, and I thought that his Grace was alluding at the time to some Act of Parliament having reference solely to the New Forest, and I ought to have said that under the 98th section of the 9 & 10 Geo. 4, the Crown is empowered to sell waste lands that are contiguous to or intermixed with other persons' lands, and which lands would not grow timber. It is under that section of the Act that those waste lands have been sold in the New Forest as well as in all the other forests.

1004. Is the waste land sold included in the return which has been sent in to us?

Yes.

1005. To what extent does that Act empower you to sell waste lands; what quantity of land can you sell?

Under 1,000 *l.*

The Witness is directed to withdraw.

JOHN GARDINER, Esquire, is called in; and Examined, as follows:

J. Gardiner, Esq.

1006. *Chairman.*] WHAT office do you hold?

Solicitor to the Board of Works and to the Royal Forests.

1007. You have seen Mr. Howard's report which has been presented to this House?

Yes.

1008. In Mr. Howard's report, he refers to certain claims of forestal rights on the part of the Crown. He says, "The New Forest contains rather more than 91,000 acres, of which about 2,100 acres are the absolute property of the Crown, free from all rights of common, and about 26,000 acres are private property, subject to the forestal rights of the Crown." What are those forestal rights?

Those quantities I know nothing of; I take the quantities from the Report of the Commissioners of Enquiry of 1789. Those are the data I go upon. I have never found that those data, or those reports, were inaccurate, and I believe they are the most valuable reports that were ever presented to Parliament. I think the forest was there stated to contain, in round numbers, 92,000 acres, of which, in round numbers, 63,000 was open forest, the rest being subdivided in small copyholds, &c. The lands subject to forestal rights would be all the lands in respect to which claims were made at the justice seat of Charles the 2nd, by parties who described their lands to be situated within the forest. There is a distinction drawn between within the forest proper, and within the Regard, but a man who describes himself as having lands and claiming rights over the forest, in respect of lands within the forest, is held *primâ facie* to be within the Regard, and it would require very strong words indeed in the grant to disafforest that land. I could quote cases in abundance which settle that question, the most important of which is The Attorney General *v.* The Marquis of Downshire, which is the leading case upon the point. In Lord Portman's report full particulars of that case are given. I may refer to the facts in that report, and the sub-report, as containing substantially all the information I have to give on the subject, because I was in communication with Mr. Hume, and I believe, a good deal of that matter, was framed in communication with me.

1009. You ground your opinion entirely upon the statement in the Report of the Commissioners of 1789?
That is to say as regards the quantities.

1010. Do you found your opinion, as to the forestal rights of the Crown, upon that Report?
The Commissioners do not enter into that question much. They state it generally; but as to lands subject to the forestal rights of the Crown, I can only say all those claiming in 1670, as being within the forest, are *primâ facie* within the Regard, unless they claim under some express grant with very express words disafforesting the land.

1011. Of course those properties would be excepted by charters?
They would be excepted by very special charters.

1012. Lord *Stanley of Alderley.*] What do you include in forestal rights?
They are specified in "Manwood": deer, wild boars, wolves, all birds and beasts, and fowls of warren and chase; "Forest," being the major, contains all the lesser; "Forest" contains everything.

1013. *Chairman.*] The forestal rights include the right of purpresture, do they not?
Within the Regard, a man must not cut his copses without license, and he could not build a house without license.

1014. He could not grub a covert?
No.

1015. And he would be obliged, where there were deer, to provide browse for the King's deer, would he not.
Not necessarily.

1016. Is not that one of the rights, according to "Manwood"?
He is not bound to provide the browse, but the deer are to be allowed browse.

1017. He could not grub, covert or pasture, could he, if within the Regard of the forest?—No, I do not recollect a case of that sort.

1018. You never heard of those rights being exercised in the case of property surrounded by the forest.
I really can speak very little to the exercise of those rights, except from what came out upon the examination of the claims; it was proved that the forestal rights, that is the right of shooting and sporting, had been exercised over a great many of these lands, as, for instance, Mr. Compton's; he was extremely keen about forestal rights, and I recollect making out to Mr. Compton's own satisfaction that he was within the forest, and I said to him, "The keepers must come up and shoot over your lands, and, if you deny the right, we will try it."

1019. Is not that the right of chase?
The right of forest iucludes all; the major includes the lesser.

1020. Then those forest rights included the right of chase?
Yes; sporting, and free warren, and so on.

1021. Earl *Nelson.*] You do not mean that the right of chase would include the making of the building of new houses illegal?
No, that does not appertain to chase; that is forest.

1022. You said that you took the acreage of the forest from the Reports to which you referred?
From the Reports of the Commissioners of Inquiry of 1789.

1023. Do you know whether any forestal rights, such as making the building of new houses illegal, making the grubbing of covert or pasture illegal, making a license necessary to cut coverts, making it illegal to take any other men's cattle to pasture, and the power to cut browse for the King's deer, have been exercised.

I know

I know nothing about that; that would be in the Verderer's Court.

1024. Those rights come strictly under the term forestal rights?
You find them all clearly laid down in the Sub-Report annexed to Lord Portman's Report.

1025. *Chairman.*] In 1848, Mr. Milne, who was one of the Commissioners of Woods, was examined before the Committee of the House of Commons, fo which Lord Duncan was Chairman, and he was asked, at Question 1731, "What is the chief produce of the 66,291 acres?"——
There is a confusion there; that is the 63,000, and the Crown's freehold included.

1026. Mr. Milne's answer is, "Timber and deer feed are the only produce on which the Crown is interested." Is that your opinion?
No, it is not; that is not the only produce; there is the game and the forestal rights. That is a general answer to the question which he is asked; he is speaking of the two prominent rights; he is not going into detail.

1027. Are you aware of the number of acres that have been inclosed of late years?
No; I understand from Mr. Howard that it is 3,000.

1028. Do you know what qnantity of lands have been sold in the forest?
No, but that could be easily collected from the returns to Parliament. I can speak to some very little patches, consisting of two or three or four perches. There was a sale for the site of a police station for the county constabulary near Lyndhurst. Land has also been granted in the forest for churches.

1029. Lord *Stanley of Alderley.*] Land has been sold for the Southampton and Dorchester Railway?
Land has been sold for two railways, the Southampton and Dorchester; and the Leamington; that was only a small quantity.

1030. *Chairman.*] Can any lands be sold free from commoner's rights?
Yes, I think so.

1031. That is to say, if enough is left for the exercise of the rights?
This is not a case of sufficiency of common; the Crown's rights are paramount; it is not the case of the lord of a manor and tenant.

1032. When the deer were done away with, do you consider that all mutuality between the Crown and the commoners with regard to their rights, and with regard to the benefit to be derived from improvements in the forest, ceased?
That is a very general question; it is so wide that I can hardly grasp it.

1033. It has been given in evidence before several Committees and Commissions, that the Crown and the commoners have a joint interest?
That I most distinctly and emphatically deny; the paramount right of the Crown is the very foundation of its claim; and if that is denied, we try it in the Courts below, and it may have to come up here at last to be finally decided; that is the foundation of the Crown's claim; that is the keystone of the arch; if that is denied we must begin at the beginning.

1034. Do you remember the Deer Forest Removal Act?
Yes.

1035. I think you were examined before a Committee of the House of Commons at the time it was introduced?
I daresay I was.

1036. I have here some part of the evidence you gave upon that occasion; this question is put to you; "In the case of the New Forest now before you, you do not leave that part which is left uninclosed in the same situation that you left those 800 acres in Alice Holt;" there had been a previous examination about Alice Holt?
I have not seen the examination from that day to this.

J. Gardiner, Esq.

23rd June 1868.

1037. You are reported to have said, in answer to that question with reference to the New Forest, "Certainly not, I retain the right of soil which would give the Crown; I suppose 1-14th or 1-16th; 2-32nds it had before?

I think I was going a little beyond my province in specifying the quantity.

1038. You go on to say, "It is the mere manorial or seignorial right of soil; the Crown would have no other forestal right; as regards the forest, it is completely destroyed. The Crown would then be entitled simply as a lord of the manor to take its allotment in respect of its right of soil, which would be 1-14th or 1-16th, about what the lord generally takes?

May I ask the date of that?

1039. Wednesday the 25th June 1851?

That was before we went to the second stage; the Bill was altered after that.

1040. But the fact was not altered, was it?

Materially; we reduced our quantity of acres; we were then claiming 20,000 acres.

1041. I thought you only claimed 14,000?

And 6,000.

1042. As the Deer Removal Bill was originally introduced, I think you proposed to take 14,000 acres?

Yes, in addition to the 6,000. That Bill was afterwards completely altered. I have here a print of the Bill as introduced; it had then nine clauses; subsequently it was altered from beginning to end, and came out with 46 clauses. There were meetings and negotiations, and compromises and arrangements.

1043. Is the Committee to understand that you do or do not adhere to that opinion which you gave as to the rights of the Crown in the New Forest?

I adhere to the rights of the Crown as defined by the Act, in which there is an express clause saving to the Crown its forest rights.

1044. Earl of *Romney*.] The question is whether you adhere to the opinion you then gave?

I adhere to the opinion I then gave, but I do not know what it had reference to. If it had reference to 20,000 acres instead of 14,000, it would be a different thing; because I find an express clause introduced in which the Crown retains to itself all its forestal rights. There were such alterations made in the Bill from day to day, that it was almost impossible to know every 24 hours what state we were in.

1045. *Chairman*.] As the Bill was originally introduced, it extinguished all the rights of the Crown, did it not?

No; the first intention was to extinguish the right of the Crown to the deer.

1046. Did not you give notice not only that the Bill would extinguish the rights of the Crown with reference to deer, but all other beasts of chase?

I have not seen the notice.

1047. Was not the Bill introduced in that form?

I have here the original form.

1048. We were told by another witness that as the Bill was originally introduced, it had reference also to "all beasts of chase"?

Yes, it had reference to "all beasts of the forest," and you will find introduced afterwards the 7th clause, saving Her Majesty's rights except as regards deer, or other beasts of chase; you will find that the Bill was most materially amended on the second Select Committee, and the preamble was amended. I recollect the point being put to your Lordship as Speaker, whether we could make the amendment in the House of Commons, and the answer was, No, we could make it in the House of Lords. The enactment was inconsistent with the preamble, and the Bill had been

been so often backwards and forwards that we were told we had better amend it in the Lords.

1049. Were the Commons aware of that change?
Perfectly. Mr. Coxwell was every day with me almost.

1050. Earl of *Romney*.] Under what circumstances were the words "other beasts of the forest" omitted?
Because the intention was only to extinguish the rights of the Crown to deer; it appeared that the notice had gone too far.

1051. The notice published in the "Gazette" in November 1850, it was stated that the Act was to be for the extinguishment of the right of the Crown to stock, and keep the New Forest stocked with deer and "other beasts of the forest;" how came it about that those words, "other beasts of the forest," were left out?
I cannot tell; but with very good reason, no doubt.

1052. Lord *Stanley of Alderley*.] Was there any intention to preserve wolves at that time?
Certainly not, nor wild boars; but it was intended to preserve the rights of sporting; there is an express clause giving Her Majesty the right to grant licences under her sign manual.

1053. *Chairman*.] Are you aware that Mr. Phinn, at the first meeting held after the Act had passed, put in a claim on the part of the Crown to stock the forest with any other beasts than deer?
I dare say he did; what took place at Southampton I do not remember.

1054. Lord *Stanley of Alderley*.] In an answer you gave a little while ago, you contended that the Crown had the right to dispose of any portion of the forest without being subject to common rights?
Yes, keeping within the scope of the 98th section of the 10th Geo. 4, c. 50, which is an Act with regard to the management of the property of the Crown generally, and which enacts "that it shall be lawful for the Commissioners of Woods and Forests, and they are hereby authorised to contract and agree with any person," and so on, "for the sale or exchange of, and absolutely to dispose of, either by way of sale for such sum or sums of money as to them shall appear a sufficient consideration for the same, or by way of exchange for any other lands or hereditaments, with or without giving or receiving any sum of money for equality of exchange, any part or parts of the said possessions and land revenues of the Crown to which this Act relates, which shall consist of any parcels of land in any of the Royal forests which are or may be wholly or in parts surrounded by, intermixed with, or contiguous to other lands, not the property of the Crown, and which parcels of land shall not be suited for the growth of timber; or any waste or other lands in any of the Royal forests which shall not exceed in value, in any one instance, the sum of 1,000*l*.; or of any rights or interests which his Majesty now hath, or which he, his heirs or successors may have over parcels of land in any of the Royal forests, the property of any of his Majesty's subjects, and which rights and interests shall be considered as of little value to the Crown; or of any rights of forest free chase and free warren in or belonging to any of the Royal forests, extending over the lands of any of his Majesty's subjects, independent of and not being appurtenant to any existing manor or lordship, and every such sale and exchange shall be carried into effect in such and the like manner as is hereinbefore directed with respect to other parts of the land revenues of the Crown to which this Act relates."

1055. Would you have the power under that of granting leases for the erection of houses in the New Forest?
No, there is no letting power.

1056. *Chairman*.] Was the land so sold discharged of all rights of common?
Yes.

1057. Lord *Stanley of Alderley*.] Under that you would have the power of selling the lands to any one, who might, if he pleased, build a house on them?
Yes.

J. Gardiner, Esq.
23rd June 1868.

1058. Under that Act you would have the power of selling portions, not exceeding in value 1,000 *l.*, to any individual to make what use of he thought fit?
Yes; they must be very small portions, and practically they have been minute portions.

1059. £. 1,000 seems to imply a larger parcel of land than that?
Yes, but there have not, I believe, been any sales of land to the extent of 1,000 *l.*

1060. Earl *Romney.*] Are you aware that former commissioners and land valuers employed by the Crown, have treated the value of the commoners' interest in the forest as amounting to half the forest?
I never heard of that before.

1061. Do you think that the result of the operation of the Act of 1851 will be to leave the commoners' interest intact, or to diminish or destroy it?
I cannot tell what effect it may have upon the commoners' interests; it was a bargain deliberately made between the commoners and the Crown, and which was come into very reluctantly by the Crown, at the special request of the commoners.

1062. What will be the effect of it upon the commoners' interest?
I cannot tell.

1063. Are you acquainted with the forest of Dean?
Yes.

1064. Do you know what has happened in that case with regard to the pasture?
That is a totally different case; that is filled with mines.

1065. What has happened with regard to the pasture in that case?
I cannot tell; so much of it is absorbed in mines; the underground operations are of as much importance as the surface.

1066. Do you claim, on the part of the Crown, at this moment, the power of exercising "forestal rights" over the wastes of the forests?
Certainly.

1067. And over the private property within the forest?
Within the Regard certainly.

1068. What are those rights?
Forest rights as specified in "Manwood," the rights of chase and warren chiefly now.

1069. Have you ever known such rights to be enforced?
I do not know about the enforcement of them, unless there is a dispute; that is the verderer's business.

1070. It has been stated that the commoners, previous to 1851, prayed for the removal of the deer; are you aware of any such petitions being presented by them?
Before Lord Duncan's Committee, there was a large amount of complaint as to the harm the deer did to the turnips and to the young wheat.

1071. Did they ever present a formal petition?
I cannot tell. I know that in the Committee, to my great surprise, they said not only that the deer ate the turnips, but that they ate the wheat crops as well, and that the existence of the deer was the cause of the demoralization of the population; that the deer in fact were a perfect nuisance. I was sorry to see them destroyed, but there was no help for it.

1072. Who do you think gained most by their removal, the commoners or the Crown?
If the commoners were to be believed, I should say the commoners.

1073. Is there any difficulty in maintaining the rights of the Crown in the forest?
I am not aware that there is any difficulty. I should be glad to see the Act of 1851 got on with a little more expeditiously.

1074. Duke of *Somerset*.] With regard to the Act of 1851; I think you were at the Office of Woods at the time, and prepared that Act?
Yes.

1075. Were not the commoners fairly heard and represented at the office, as far as you remember at that time, with regard to their rights?
I am certain of it.

1076. You were before the Committee of the House of Commons on that Bill?
Yes, there were two or three committees. A Select Committee sat twice, and the Bill went twice through Committee of the whole House. It first went to a Select Committee; then it was reported to the House as amended; it then went through Committee of the whole House, and then a proposition came from Lord Malmesbury, the Duke of Buccleuch, and others, through Mr. Coxwell, for what they called a compromise or negotiation. I have not now got the papers to refer to, because I was then in partnership with Mr. Pemberton, and Mr. Pemberton has my original papers; but I have referred to some memoranda, and I find from day to day Mr. Coxwell, on behalf of the petitioners, backwards and forwards continually. "July 3rd. Attending Mr. Coxwell, the solicitor for the petitioners against the Bill, on his desiring to have some confidential communication with us, with the view of seeing whether some agreement might not be come to so as to obviate all further opposition. He talked of 4,000 acres as a compensation for the right of deer, but I told him it was ridiculous, that the right of soil alone would entitle the Crown to a larger allotment. The question was discussed at great length—many hours. Mr. Coxwell said at the conclusion that our statements had shaken his former impressions on the subject, and that he would see Mr. Compton with the view of having a meeting fixed with Lord Seymour." These are only a few. "Attending Lord Seymour at the Office of Woods. Conferring on a memorandum received by his Lordship from Lord Malmesbury, and advising thereon. His Lordship said he would write to Lord Malmesbury to know with whom we were to communicate, and we left the memorandum with Mr. Philipps that he might have a copy made and sent to us for our guidance in the matter." "July 8th. Attending Mr. Coxwell in long conference on amendments suggested by Lord Malmesbury, the Duke of Buccleuch, and others, in this Bill to constitute a court to hear and decide on the claims of the commoners, when it seemed to us that the Bill as so altered could not pass the Standing Orders of the Lords." "Attending Mr. Coxwell again," and so it goes on from day to day.

1077. Did not you understand when the Duke of Buccleuch was so represented, and agreed to a compromise, that that was a final settlement, so far as his Lordship and those acting with him were concerned?
If ever there was a final settlement of anything that was one; that is if Mr. Coxwell was his representative. Lord Malmesbury I saw personally.

1078. If anyone has any right to complain, the complaint ought not to come from those who were parties to the agreement?
If anyone were to do such a thing in any other case, we would know how to deal with it in Westminster Hall.

1079. Lord *Stanley of Alderley*.] This agreement was come to upon a matter which the petitioners themselves had asked to have settled?
Yes, certainly; they asked to have the deer destroyed. I will not undertake to say that the Duke of Buccleuch wanted the deer destroyed. I do not think he did.

1080. But the commoners did?
Yes; there were even verderers, to my surprise, complaining of the deer. I am speaking of what occurred 20 years ago, but I think I can speak confidently to Mr. Mills, the verderer, complaining grievously of the deer. I think I can also speak from recollection, though it is a good many years ago, to Mr. Castleman complaining of the deer, for I saw him, and there were many others.

1081. Mr. Coxwell suggested that 4,000 acres should be given to the Crown?

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As a compensation for the right of deer. The Select Committee of the House of Commons which first sat, after hearing counsel *pro* and *con*, resolved that 14,000 acres should be the compensation for the deer. Then the commoners opened a negotiation and discussion with the view of getting us to abate that, saying that they would withdraw their opposition if the quantity were reduced.

1082. Earl *Nelson*.] It appears, from Mr. Howard's Report, as if the Act of 1851 was founded on a petition from the commoners; you do not mean that it originated by a petition from the commoners?

The commoners complained most strongly of the deer before Lord Duncan's Committee, and this Bill arose from the representations made to Lord Duncan's Committee; that was the foundation of the whole proceeding; complaints were made by the commoners of the injury done by the deer demoralising the population, destroying their crops, and breaking down their fences.

1083. The Bill originated from Lord Duncan's Committee?

That was the first inducement to get rid of the deer.

1084. You do not mean that Lord Duncan got his Committee nominated at the instance of the commoners?

I do not know what was the origin of it.

1085. *Chairman*.] Was not there a Commission appointed which intervened between Lord Duncan's Committee and the introduction of the Bill, Lord Portman being chairman of it?

Yes.

1086. The Bill was founded very much upon the recommendations of Lord Portman's Commission?

Yes.

1087. Duke of *Somerset*.] Therefore, so far, the matter was thoroughly examined into; it was examined into by the Committee, where counsel were heard at great length; it was examined into afterwards at the Commission of which Lord Portman was the chairman?

Yes, and a very able lawyer was associated with Lord Portman on that Commission. I should say no man in Westminster Hall was better conversant with the rights of the Crown than Mr. Dampier; I believe the other Commissioner was also a lawyer.

1088. *Chairman*.] In what year was Woolmer Forest inclosed?

I think it was inclosed under the 18 & 19 Vict., c. 46.

1089. In that inclosure the Crown had a certain amount of land allotted to it?

They had, I think, 3,500 odd, out of 5,000 acres.

1090. And a certain portion was allotted to the commoners?

The residue went to the commoners.

1091. Before that inclosure, was there any Act which authorised the Crown to plant Woolmer Forest?

Yes, 2,000 acres, I think; that was an Act passed about 1811 or 1812; I cannot recollect precisely the year. The commoners have been dealt with in all inclosures that I have been a party to thus: first the forestal rights of the Crown have been maintained to be paramount, and therefore sufficient has been taken out to compensate the Crown for its rights; the residue going to the commoners as a common, they may deal with it as they think fit; they may either leave it as a common, or go to the Inclosure Commission to subdivide it amongst them.

1092. Lord *Stanley of Alderley*.] Do you think there would be any difficulty in making the same arrangement with regard to the New Forest?

None whatever; the Disafforesting Act has completely paved the way. Put this book, "The Register of Decisions on Claims," into the hands of Commissioners appointed for the purpose, get a surveyor to map and value, and the thing is done. Here the rights and claims of every single individual are ascertained; 1,311 claims are here adjudicated upon, in every one of which I was the sole objector; of course they were all banded to a man, each to support his

his neighbour. Out of the 1,311, I managed to expunge about 460, and I do not think that there were more than two claims that were not cut down. *J. Gardiner*, Esq. 23rd June 1868.

1093. Did that settle all the claims?
Yes.

1094. Earl of *Romney.*] In the evidence you gave at the time of the 1851 Bill, you are reported to have said, "I say, as regards the residue, the Crown will be simply in the position of a lord of the manor, entitled to the sale of the timber"?
I do not think I could have said so; if I said so, I could not have meant it, because it would be in the very teeth of the clause I prepared. With reference to the striking out of the words, "other beasts of the forest," I have here a copy of the Minutes of Proceedings before the Select Committee upon the New Forest Bill, on the 26th of June. Sir William Alexander, counsel for the Crown, opens thus, "Mr. *Alexander.*] We propose to strike out the words, 'and other beasts of the forest or chase,' the intention being only to destroy the deer."

1095. *Chairman.*] The notices went further than that?
I do not recollect what the notice was.

1096. It was on the part of the Crown that those words were struck out?
Yes; there was another Select Committee after that; we tried to get the Bill through with a great many amendments, and your Lordship said the amendments were so great that the Bill must be re-committed, which was done.

The Witness is directed to withdraw.

WILLIAM CLEMENT DRAKE ESDAILE, Esquire, is called in; and further Examined, as follows:

1097. *Chairman.*] Do you wish to give any explanation with regard to any part of your former evidence? *W. C. D. Esdaile*, Esq.
With regard to the Reports of Mr. Westbury and Mr. Bone, returned to me, I have been requested to put them in as part of their evidence (*the same are handed in*). With regard to the suggestion I made for the remedy of the hardship of which we complain with respect to the inclosures, I understand from one of the gentlemen acting with me, that he also made a suggestion as to a remedy; and I should like to qualify what I proposed. When a certain acreage of inclosure was flung out, instead of having a certificate that it should be entirely cleared from timber, I would agree with the suggestion made by that other gentleman, Lord Henry Scott, that the commoners would be content that the land should be taken in the terms of the Deer Removal Act, but with this alteration, that a certificate should be given to the Commission that the land is fit for pasturage before any other land is taken for inclosure in lieu thereof. *Vide* Appendix.

1098. Duke of *Somerset.*] You would recommend an entire alteration of the Act?
No; to that extent only. What I suggest now is a qualification of my former proposal. I suggested that the land should be totally cleared; I do not ask now that it should be totally cleared, but that there should be a certificate that it was sufficiently cleared for pasturage. And I hand in a Paper, in which we have stated this qualified proposal, and others, so as to place the matter definitely before the Committee (*Paper handed in*). I trust the Committee will allow me to say a word with regard to myself, for I wish to stand in a right position before the people in my part of the world. The poorer persons near me I may call my constituents. I have been pressed, in giving evidence in this matter, as to my opinion with regard to a general inclosure; and the gentlemen who have been acting with me have informed me that they have also been pressed with regard to their opinion as to a general inclosure. Should it, unfortunately for those poorer persons, be recommended by this Committee that there should be a general inclosure, I, and other gentlemen who have been *Vide* Appendix.

W. C. D. Esdaile, Esq.
23rd June 1868.

been examined, feel, as larger landed proprietors, that we might be open to the remark, "We entrusted to you, in confidence, with the representation of our interests, and the result of that has been the recommendation of a general inclosure, which is the very thing, of all others, of which we were most afraid;" and therefore though, speaking as one of the larger landed proprietors, a general inclosure would not injure me, I presume, if I had to sell my estate, nor the other gentlemen who have also given evidence on the same side as myself, I want to give as my unqualified opinion that a general inclosure would very much prejudice those persons I am desirous to represent, and who have entrusted me, as it were, with their interests in giving evidence.

1099. Duke of *Somerset.*] Would you, as representing that body, rather leave the Act as it is, or have a general inclosure?

Speaking as nearly as I can judge of their interests, I think I should prefer a general inclosure without allotment; that is to say, a separation of the Crown's rights from those of the commoners without carrying out an individual allotment, because an individual allotment would not compensate the smaller men I speak of.

1100. You would like the Crown to take its portion, and leave the rest in common to the commoners?

Quite so; that is to say, between those two alternatives.

1101. Earl of *Romney.*] That is speaking as the representative of those people, and not for yourself?

I think that would be the best for the poor people; that is my individual opinion. I have been at meetings of those commoners, and I have been addressed by them by way of memorial; and I know that they would be very much against a general inclosure.

1102. Lord *Stanley of Alderley.*] Speaking for yourself, what would you say as to a general inclosure?

Speaking with regard to my own estate, I do not believe that I should be financially injured by a general inclosure, but residentially I suppose I should. With regard to another matter, I rather pledged myself that if the Committee wished it, a London surveyor should be sent down to report upon the state of the inclosures of the forest; but the fact is, that we have been unable to get one of sufficient eminence to give the time to us.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday, the 7th of July.

APPENDIX.

LIST OF APPENDIX.

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Appendix A.

PAPERS handed in by Mr. *Howard*.

(A.)

STATEMENT of the Extent of the New Forest, in the Years 1787, 1848, and 1868. Appendix A.

Description.	1787.			1848.			1868.		
	A.	R.	P.	A.	R.	P.	A.	R.	P.
Open Waste Land	61,570	2	6	57,274	3	15	53,527	3	5
Enclosed Plantations	2,274	1	36	6,000	0	0	9,089	3	10
Encroachments	876	1	39	806	2	16	801	0	34
Crown's Freehold	2,181	2	11	2,074	1	18	2,089	0	16
Freeholds of Individuals	24,861	0	13	26,073	2	17	26,730	1	3
Copyholds	601	0	29	135	3	25	127	0	23
Total (A.)	92,365	1	11	92,365	1	11	92,365	1	11

Note.—These figures are not from actual survey; those for the years 1787 and 1848 are taken from the Appendix to the Report of the Select Committee on Woods and Works in 1848, Appendix ZZ, pages 574–5. The figures for 1868 are founded on those for 1848. 103 A. 0 R. 10 P. of private freehold land were disafforested in the year 1857.

(B.)

STATEMENT of Lands Sold, Granted, Purchased, Exchanged, and Enfranchised by the Crown in the New Forest, during the Period from 1st April 1848 to 31st March 1868 inclusive.

	A.	R.	P.	
Lands Sold	(a) 646	2	38½	(a) Of this quantity 356 A. 2 R. 20½ P. was sold under the provisions of the Acts 14 & 15 Vict. c. 76, and 17 & 18 Vict. c. 49.
Lands Granted	5	3	32	
Lands Purchased	3	3	3	
Lands acquired by Exchange	(b) 1	0	3	
Land Enfranchised	8	3	2	
Land Disafforested	103	0	10	

	A.	R.	P.
Encroachments sold	5	1	22
Waste	641	1	16
	646	2	38

	A.	R.	P.	
(b) Land acquired by the Crown	15	0	36	
Land given in Exchange by the Crown	(c) 14	0	33	(c) Waste 9 3 32; Freehold 4 1 1
Total Land acquired	1	0	3	

	A.	R.	P.
(c) Waste	9	3	32
Freehold	4	1	1
	14	0	33

STATEMENT of Total Quantity of Land Sold in the New Forest, from 1st April 1854 to 31st March 1867, under the Provisions of the Acts 14 & 15 Vict. c. 76, and 17 & 18 Vict. c. 49, with the Total Purchase Money Received.

	A.	R.	P.	£.	s.	d.
Lands Sold	356	2	20½	8,694	10	–

NEW FOREST DRAINAGE (under the Act 8 & 9 Vict. c. 93).

Dr. *Cr.*

RECEIPTS.

	£. s. d.	£. s. d.
Received from Southampton and Dorchester Railway	- -	12,000 - -
Deduct,—		
Sum received for the timber applied to the Income of the Land Revenue	623 14 -	
Sum received from the Railway Company towards the costs, charges, and expenses incurred by the Commissioners of Woods in regard to the Railway through the Forest, and the conveyance of the Land to the Company	536 6 -	
		1,160 - -
Amount applicable to the Drainage (under the Act 8 & 9 Vict. c. 93)	- -	10,840 - -
1847–48.		
Interest on Exchequer Bills	611 3 10	
For tiles supplied from the New Forest to the Phœnix Park	362 19 3	
		974 3 1
1848–49.		
Profits of Exchequer Bills	389 10 4	
For tiles supplied to Phœnix Park	327 12 3	
		717 2 7
1849–50.		
Profits of Exchequer Bills	201 9 4	
Sales of pipes, &c., from the Tilery	94 11 8	
		296 1 -
Carried forward £.	- -	12,827 6 8

PAYMENTS.

	£. s. d.	£. s. d.
1847–48.		
Premium on purchase of Exchequer Bills		187 15 7
J. Parkes, engineer's expenses		123 18 2
For timber supplied from the New Forest for Tilery Works		76 4 4
Colonel Thornhill, as per Account, viz.:—		
Carpenters' work	150 17 8½	
Work at Tilery	231 9 11¾	
Draining	214 3 10½	
Making pipes	147 6 8	
Various persons for articles supplied and services performed	1,538 8 2¾	
J. Waterman, building cottage	40 - -	
Travelling expenses	56 15 10½	
Incidents	- 17 -	
		2,379 19 4
		2,767 17
1848–49.		
Day labour and piece-work, making pipes, screening clay, making bricks, &c.		890 18 7
By Draining in open Forest:		
Balmer Lawn	134 12 4	
Pignell Hill Lawn	12 3 7	
Weare's Lawn	408 13 2	
Fullyford Bog	470 13 6	
Spur Lake Lawn	- 18 9	
Wilverley Lawn and Bog	14 13 6	
		1,041 14 10
Expenses of forming road across Balmer-road to the Tilery		96 5 8
Repairs of road to the Tilery		68 15 3
Coals, including carting, wharfage, &c.		610 19 7
Carpenters', bricklayers', and sawyers' work		17 8 2
Materials, implements, and carriage of ditto		137 - 9
Horse-hire		11 - -
Keep of pug-mill horse		43 8 10
Harness and repairs		3 - -
Brick duty		9 16 -
Repairs to Tilery cottage		7 15 -
		2,938

	£. s. d.
Amount expended under Colonel Thornhill	686 17 8
Amount expended under Mr. Freeman	421 16 -
Amount expended under Mr. Parkes	1,829 9 -
£.	2,938 2 8

	£. s. d.	£. s. d.
1849–50.		
J. Parkes, for Engineering Expenses		653 8 6
Tilery Account. J. Parkes, as per Account, viz.:—		
Wages of superintendent, pugging clay, making pipes and bricks, tarring weather boards, &c.	250 7 7	
Repairing Tilery road, including horse-hire, cartage, &c.	10 - 6	
Repairs of Tilery and Tilery cottage	7 14 9	
Machinery, tools, and repairs of ditto	44 11 5	
Deals, fagots, poles, cement, sand, lime, straw, &c., including carriage	42 7 4	
Cartage of pipes and bricks	18 4 10	
Brick duty	16 16 11	
Provender and other expenses for Tilery horse	45 8 3	
Postage, stationery, travelling, insurance, and other expenses	48 4 6	
	483 16 1	
Loss by failure of a Contractor	47 - 11	
		530 17 -
Carried forward £.		1,184 5 6
		5,706

Dr. NEW FOREST DRAINAGE—*continued.* *Cr.*

RECEIPTS—*continued.*	£.	s.	d.	£.	s.	d.
Brought forward	-	-	-	12,827	6	8
1850–51.						
Profits of Exchequer Bills	119	11	9			
For tiles supplied to the Phœnix Park	508	7	4			
For pipes, &c. sold from the Tilery	415	13	2			
				1,043	12	3
1851–52.						
Sale of pipes, bricks, &c.	191	7	8			
Tilery plant, &c.	48	10	-			
Interest of Exchequer Bills	83	18	8			
Profit of sale of 200 *l.* Exchequer Bills	7	18	6			
				331	14	10
1852–53.						
Sale of pipes, bricks, &c., and Royalty on pipes sold from Victoria Tilery	45	1	8			
Interest of Exchequer Bills	83	18	8			
				129	-	4
1853–54.						
Royalty on pipes	17	4	10			
Sale of pipes	2	17	9			
Interest of Exchequer Bills	74	3	4			
				94	5	11
1854–55.						
Royalty on bricks, proportion of	29	1	8			
Interest of Exchequer Bills	105	4	-			
				134	5	8
1855–56.						
Royalty on bricks, proportion of	20	12	4			
Interest of Exchequer Bills	125	19	-			
				146	11	4
1856–57.						
Royalty on bricks sold from Victoria Tilery, proportion of	28	3	10			
Sales of pipes, bricks, &c.	33	17	7			
Interest of Exchequer Bills	140	16	-			
				202	17	5
1857–58.						
Rent of Victoria Tilery (one year), proportion	16	13	4			
Interest of Exchequer Bills	148	2	11			
				164	16	3
Carried forward £.				15,074	10	8

PAYMENTS—*continued.*	£.	s.	d.	£.	s.	d.
Brought forward	-	-	-	1,184	5	6
DRAINAGE ACCOUNT. J. Parkes, as per Account, viz.:—						
Draining Balmer Lawn	17	16	2			
Draining Warwick's Lade, Allum Green, Butt's Lawn, Camel Green, and the Burley Lawn, and watercourses	1,244	2	10			
Building timber bridges connected with ditto	89	-	-			
Clearing and deepening the old river course through New Park Enclosure to the boundary of New Park	24	19	-			
Clearing and deepening old river course between Brockenhurst Bridge and New Park Enclosure	5	17	9			
Building a timber bridge over Fletcher's watercourse, and gravelling ditto	19	10	-			
				1,401	5	9
						2,585 11 3
1850–51.						
J. Parkes, as per Account, viz.:—						
Labour upon drainage				713	15	5¾
Ditto - Tilery				116	-	-¾
For coals for the Tilery				50	4	-
Timber and repairs of Tilery, and drainage				20	3	4
Ironmongery				27	1	7
Building bridges				93	8	4
Brick duty				-	3	7
Fire Insurance				4	-	-
Fodder for Tilery horse				29	6	9
Cartage				45	4	6¾
Stationery				5	9	2¾
Banker for cashing check				1	16	-
Miscellaneous				11	9	4
						1,118 2 3
1851–52.						
Day labour.—River course at Brockenhurst Bridge				48	8	5
Repairs of drainage works				38	2	-
Ditto - implements				2	1	9
J. Parkes				631	4	7
						719 16 9
1852–53.						
J. Parkes, for plans				50	-	-
Alterations and repairs of kilns				12	15	6
Repairs of machinery				-	16	-
						63 11 6
1853–54.						
Law charges, &c.				1	13	4
Repair of Tilery buildings				2	17	-
Mounting tracings				1	19	-
						6 9 4
1854–55.						
Repair of pumps				5	4	-
						5 4 -
1855–56.						
Labour.—Draining				146	6	-
Repairs of cottage at Tilery				2	-	-
By Exchequer Bill Account: Premium on purchase of 300 *l.* Bills				4	8	-
						152 14 -
1856–57.						
Labour.—Draining				36	7	6
Allowance towards cost of new kiln				10	-	-
						46 7 6
1857–58.						
Labour.—Draining				12	18	-
						12 18 -
Carried forward £.						10,416 14 8

New Forest Drainage—*continued.*

RECEIPTS—*continued.*	£. s. d.	£. s. d.
Brought forward	- - -	15,074 10 8
1858-59.		
Receipts:—Transfer from the Capital Account of the purchase money of extra land taken by the Southampton and Dorchester Railway Company	295 - -	
Rent of Victoria Tilery (half year), proportion	8 6 8	
Interest of Exchequer Bills	127 4 10	
		430 11 6
1859-60.		
Rent of Victoria Tilery (one year), proportion	16 13 4	
Interest of Exchequer Bills	90 17 6	
		107 10 10
1860-61.		
Rent of Victoria Tilery (one year and a half) proportion	25 - -	
Interest of Exchequer Bills	89 12 6	
		114 12 6
1861-62.		
Sale of pipes	23 5 -	
Interest of Exchequer Bills	154 1 2	
		177 6 2
1862-63.		
Rent of Victoria Tilery (two years), proportion	33 6 8	
Interest of Exchequer Bills	115 5 2	
		148 11 10
1863-64.		
Rent of Tilery (one year) proportion	16 13 4	
Interest of Exchequer Bills	127 3 4	
		143 16 8
1864-65.		
Rent of Tilery, proportion	20 - -	
Interest of Exchequer Bills	161 9 -	
		181 9 -
1865-66.		
Rent of Tilery	20 - -	
Interest of Exchequer Bills	168 9 5	
		188 9 5
1866-67.		
Rent of Tilery	20 - -	
Interest of Exchequer Bills	172 1 8	
		192 1 8
1867-68.		
Rent of Tilery	20 - -	
Interest of Exchequer Bills	159 9 3	
		179 9 3
	£.	16,938 9 6

PAYMENTS—*continued.*	£. s. d.	£. s. d.
Brought forward	- -	10,416 14 8
1858-59.		
Valuation of land taken by Railway Company	10 10 -	10 10 -
1859-60.		
Drainage works	124 11 8	124 11 8
1860-61.		
Drainage works	39 2 6	39 2 6
1861-62.		
Nil.		
1862-63.		
Premium on purchase of 900 *l.* Exchequer Bills	7 6 6	7 6 6
1863-64.		
Repairs of drains	49 7 4	49 7 4
1864-65.		
Repairs of drains, &c.	30 16 4	30 16 4
1865-66.		
Repairs of drains, &c.	28 5 -	28 5 -
1866-67.		
Repairs of drains	40 12 6	40 12 6
1867-68.		
Premium on purchase of 1,000 *l.* Exchequer Bills	15 4 1	15 4 1
		10,762 10 7
Balance on 31st March 1868 { Exchequer Bills	6,000 - -	
Balance on 31st March 1868 { Cash in hand	175 18 11	
		6,175 18 11
	£.	16,938 9 6

James K. Howard.

Appendix B.

PAPERS handed in by Mr. *Cumberbatch*, 23 June 1868.

NEW FOREST.

1.—RETURN of all Lands, Portions of the New Forest, Sold to any Railway Company, with the Name of the Company, the Date of Sale, the Price received, and the Appropriation of the Money.

Date of Conveyance.	To whom.	Premises Sold.	Purchase Money.	Appropriation of Purchase Money.
1856:			£ s. d.	
23 December -	The Lymington Railway Company.	The Crown's interest in several pieces or parcels of land situate in the parish of Boldre, in the county of Southampton, containing by admeasurement 7 A. 3 R. 23 P., reserving to Her Majesty all mines and minerals.	197 7 -	Appropriated to the payment of purchase monies on the purchase of fuel rights or other rights, or of manors, messuages, or other hereditaments; and to the payment of monies paid for equality of exchange on exchanges, and of the expenses in or relating to such purchases and exchanges; and to the payment of the monies paid for the redemption or purchase of land tax, and of the expenses in or relating to such purchase or redemption; and to the discharge of incumbrances charged upon the possessions and land revenues of the Crown.—*Vide* Act 10 Geo. 4, c. 50.
1858:				
1 July - -	The London and South-Western Railway Company, and their Successors.	Several pieces or strips of land, portions of the waste of the New Forest, in the county of Southampton, containing by admeasurement 127 A. 3 R. 8 P., or thereabouts, excepting all mines and minerals.	9,499 - -	Appropriated to a fund for draining or otherwise improving the New Forest, or any portions thereof, in such manner as may best conduce to the mutual benefit of the Crown and the commoners.—*Vide* Act 8 & 9 Vict. c. 93.
26 November -	The Lymington Railway Company.	Three pieces of land, part of the waste of the New Forest, situate in the parish of Boldre, containing together 0 A. 2 R. 6½ P., or thereabouts, excepting all mines and minerals.	26 2 -	Appropriated to a fund for defraying the expenses incidental to the Act for the settlement of claims upon the New Forest.—*Vide* Act 17 & 18 Vict. c. 49.

23 June 1868.

James K. Howard.

2.—RETURN of Lands, Portions of the New Forest, Sold otherwise than to Railway Companies between the 1st April 1848 and the 30th March 1868.

Date of Conveyance.	To whom Sold.	Premises Sold.	Purchase Money.	Appropriation of Purchase Money.
			£ s. d.	
1853:		The Crown's interest in the following pieces or parcels of land, reserving to Her Majesty all mines and minerals within, upon, or under the said pieces or parcels of land:		
29 September -	Andrew Robert Drummond, Esq.	Land, part of the waste of the New Forest, situate at Butts Bridge, in the parish of Fawley, containing by admeasurement 16 A. 0 R. 20 P., or thereabouts.	590 - -	Appropriated to a fund for payment of expenses incident to the registration of claims to rights of common of pasture, common of turbary, common of estovers, or rights of pannage, or to dig or take gravel, sand, or marl, or to cut fern, heath, or furze, in, over, or upon the New Forest; and of objections thereto; and the decisions upon such claims.—*Vide* Act 14 & 15 Vict. c. 76.
29 September -	John Clasby - - -	Land, part of the waste of the New Forest, situate at Butts Bridge, in the parish of Fawley, containing by admeasurement 1 A. 2 R. 0 P., or thereabouts.	50 - -	
29 September -	John White - - -	Land, part of the waste of the New Forest, part of Frost Lane Common, in the parish of Fawley, containing by admeasurement 13 A. 3 R. 20 P., or thereabouts; and land, part of the waste of the New Forest, part of ditto, containing by admeasurement 8 A. 0 R. 20 P., or thereabouts.	746 - -	
29 September -	Major George Robbins -	Land, part of the waste of the New Forest, part of Frost Lane and Quagg Commons, in the parish of Fawley, containing by admeasurement 13 A. 1 R. 0 P., or thereabouts; and land, part of the waste of the New Forest, part of ditto, containing by admeasurement 1 A. 0 R. 32 P., or thereabouts.	475 - -	
29 September -	George Bunday - -	Land, part of the waste of the New Forest, part of Frost Lane Common, in the parish of Fawley, containing by admeasurement 37 perches, or thereabouts.	35 - -	
1854:				Appropriated to the payment of purchase monies on the purchase of fuel rights or other rights, or of manors, messuages, or other hereditaments; and to the payment of monies paid for equality of exchange on exchanges, and of the expenses in or relating to such purchases and exchanges; and to the payment of the monies paid for the redemption or purchase of land tax, and of the expenses in or relating to such purchase or redemption; and to the discharge of incumbrances charged upon the possessions and land revenues of the Crown.—*Vide* Act 10 Geo. 4, c. 50.
25 April - -	William Martin Powell, Esq.	Land, part of the waste of the New Forest, situate in the parish of Lyndhurst, containing by admeasurement 2 perches, or thereabouts.	1 5 -	
23 June - -	Albert William Beetham	Land, part of the waste of the New Forest, situate at Sandy Down, in the parish of Boldre, containing by admeasurement 39 perches, or thereabouts; and land, part of the waste of the New Forest, situate at Rope Hill, in the said parish of Boldre, containing by admeasurement 4 perches, or thereabouts.	13 10 -	
1855:				
28 September -	Andrew Robert Drummond, Esq.	Land, part of the waste of the New Forest, and of Hardley Common, in the parish of Fawley, containing by admeasurement 13 A. 1 R. 30 P., or thereabouts.	396 - -	Appropriated to fund for payment of expenses incident to the registration of claims to rights of common of pasture, common of turbary, common of estovers, or rights of pannage, or to dig or take gravel, sand, or marl, or cut fern, heath, or furze, in, over, or upon the New Forest; and of objections thereto; and the decisions upon such claims.—*Vide* Act 14 & 15 Vict. c. 76. And also to the payment of the expenses incidental to the Act for the settlement of claims upon the New Forest.—*Vide* Act 17 & 18 Vict. c. 49.
28 September -	James Bunday, Esq. -	Land, part of the waste of the New Forest, situate at or near Langley Green, and being part of Iron Mill Common, in the parish of Fawley, containing by admeasurement 1 A. 3 R. 0 P., or thereabouts.	30 - -	
1 October - -	Coard William Squarey, Esq.	Three pieces of land, part of the waste of the New Forest, situate respectively in Hardley, Iron Mill, and West Commons, in the parish of Fawley, containing by admeasurement 12 A. 2 R. 0 P., or thereabouts.	242 - -	
1 October - -	William Roe Sharland -	Nine pieces of land, part of the waste of the New Forest, situate respectively in Hardley, Hughes, and West Commons, in the parish of Fawley, containing by admeasurement 25 A. 2 R. 20 P., or thereabouts.	552 - -	

2.—RETURN of Lands, Portions of the New Forest, Sold otherwise than to Railway Companies, &c.—*continued.*

Date of Conveyance.	To whom Sold.	Premises Sold.	Purchase Money.	Appropriation of Purchase Money.
1855:			£. s. d.	
1 October - -	Mary Jane Cossens -	Land, part of the waste of the New Forest, and of a certain common, called "Quagg Common," in the parish of Fawley, containing by admeasurement one acre, or thereabouts.	34 - -	Appropriated to fund for payment of expenses incident to the registration of claims to right of common of pasture, common of turbury, common of estovers, or rights of pannage, or to dig or take gravel, sand, or marl, or cut fern, heath, or furze, in, over, or upon the New Forest; and of objections thereto; and the decisions upon such claims.—*Vide* Act 14 & 15 Vict. c. 76. And also to the payment of the expenses incidental to the Act for the settlement of claims upon the New Forest.—*Vide* Act 17 & 18 Vict. c. 49.
1 October - -	Thomas Suffield - -	Land, part of the waste of the New Forest, situate at or near Hatchet's Gate, at Beaulieu Rails, in the parish of Boldre, containing by admeasurement 0 A. 1 R. 13 P., or thereabouts.	16 - -	
1 October - -	Thomas Fustin - -	Land, part of the waste of the New Forest, situate at Westhill Common, in the parish of Fawley, containing by admeasurement 3 A. 2 R. 0 P., or thereabouts.	85 - -	
1 October - -	John Templer - -	Land, part of the waste of the New Forest, situate at Passford Hill, in the parish of Boldre, containing by admeasurement 0 A. 2 R. 26 P., or thereabouts.	38 - -	
1 October - -	George Robbins - -	Land, part of the waste of the New Forest, and of a certain common, called "Quagg Common," in the parish of Fawley, containing by admeasurement 10 A. 1 R. 0 P., or thereabouts.	252 10 -	
29 December -	Andrew Robert Drummond, Esq.	Eight pieces of land, part of the waste of the New Forest, and of certain commons, called Quagg, Frost Lane, Hardley, Langley Wood, and Iron Mill, in or adjoining the parish of Fawley, containing by admeasurement 30 A. 3 R. 20 P., or thereabouts.	1,064 - -	
1856:				
9 January - -	William Sloane Stanley, Esq.	Two pieces of land, part of the waste of the New Forest, situate at Langley Wood Common, in the parish of Fawley, containing by admeasurement 15 A. 1 R. 0 P., or thereabouts.	346 10 -	
1857:				
30 January -	John Bartlett Burt -	Land, part of the waste of the New Forest, situate at Beaulieu Rails, containing by admeasurement 0 A. 1 R. 25 P., or thereabouts.	16 5 -	Appropriated to the payment of purchase monies on the purchase of fuel rights, or other rights, or of manors, messuages, or other hereditaments; and to the payment of monies paid for equality of exchange on exchanges, and of the expenses in or relating to such purchases and exchanges; and to the payment of the monies paid for the redemption or purchase of land tax, and of the expenses in or relating to such purchase or redemption; and to the discharge of incumbrances charged upon the possessions and land revenues of the Crown.—*Vide* Act 10 Geo. 4, c. 50.
30 January -	Robert Stroud - -	Land, part of the waste of the New Forest, situate at Pilley-Bailey, in the parish of Boldre, containing by admeasurement 28 perches, or thereabouts.	5 - -	
30 January -	Rev. Augustus James Brind.	Two pieces of land, part of the waste of the New Forest, situate in the parish of Boldre, containing by admeasurement 21 perches, or thereabouts.	13 - -	
30 January -	William Duckworth -	Land, part of the waste of the New Forest, situate at Bartley, in the parish of Eling, containing by admeasurement 1 A. 2 R. 10 P., or thereabouts.	160 - -	
2 February -	William Beale Bugden -	Land, part of the waste of the New Forest, situate at Cadnam, in the parish of Minestead, containing by admeasurement 0 A. 1 R. 18 P., or thereabouts.	17 10 -	
6 February -	Thomas Powell - -	Land, part of the waste of the New Forest, situate at East End, in the parish of Boldre, containing by admeasurement 9 perches, or thereabouts.	2 - -	
13 February -	William Clement Drake Esdaile - - -	Land, part of the waste of the New Forest, situate at Burley, in the parish of Ringwood, containing by admeasurement 21 perches, or thereabouts.	5 - -	
15 June - -	William Dale Farr, Esq. -	Land, part of the waste of the New Forest, situate in Ironshill Walk, containing by admeasurement 2 roods, or thereabouts, in trust, to be used as a site for a divisional head quarter police station, and for no other purpose.	20 - -	

2.—RETURN of Lands, Portions of the New Forest, Sold otherwise than to Railway Companies, &c.—*continued.*

Date of Conveyance.	To whom Sold.	Premises Sold.	Purchase Money. £. s. d.	Appropriation of Purchase Money.
1858: 12 March	The Rev. William Henry Lucas.	Land, part of the waste of the New Forest, situate at Lyndhurst, containing by admeasurement 3 A. 1 R. 17 P., or thereabouts.	135 – –	Appropriated to the payment of purchase monies on the purchase of fuel rights or other rights, or of manors, messuages, or other hereditaments; and to the payment of monies paid for equality of exchange on exchanges, and of the expenses in or relating to such purchases and exchanges; and to the payment of the monies paid for the redemption or purchase of land tax, and of the expenses in or relating to such purchase or redemption; and to the discharge of incumbrances charged upon the possessions and land revenues of the Crown.—*Vide* Act 10 Geo. 4, c. 50.
21 July	John Templar	Land, part of the waste of the New Forest, situate in the parish of Boldre, containing by admeasurement 18 perches, or thereabouts.	3 – –	
17 August	Charles Porteous	Land, part of the waste of the New Forest, situate at Boldre, in the parish of Boldre, containing by admeasurement 15 perches, or thereabouts.	3 – –	
20 August	W. P. W. Freeman	Land, part of the waste of the New Forest, situate by the side of a road leading from Baddesley to Boldre, containing by admeasurement 8 perches, or thereabouts.	2 – –	
28 August	The Rev. Augustus James Brine.	Four strips or parcels of land, part of the waste of the New Forest, situate at Boldre, in the parish of Boldre, containing by admeasurement 0 A. 1 R. 6 P., or thereabouts.	10 – –	
28 August	The Rev. Charles Shrubb	Two pieces of land, part of the waste of the New Forest, situate at Vicar's Hill and Portman, in the parish of Boldre, containing by admeasurement 0 A. 1 R. 10 P., or thereabouts.	14 – –	
6 October	John Robbins	Five pieces of land, part of the waste of the New Forest, situate at Battramsley, in the parish of Boldre, containing together by admeasurement 0 A. 3 R. 33 P., or thereabouts.	30 – –	
9 October	James Worthy	Two pieces of land, part of the waste of the New Forest, situate at Sandy Down, in the parish of Boldre, containing together by admeasurement 33 perches, or thereabouts.	9 – –	
11 October	John Chamberlain	Land, part of the waste of the New Forest, situate at Norley, in the parish of Boldre, containing by admeasurement 37 perches, or thereabouts.	7 – –	
October	William Peere Williams Freeman, Esq.	Several pieces of land, part of the waste of the New Forest, situate in the parish of Boldre, containing in the whole 18 A. 0 R. 21 P., or thereabouts.	534 – –	
16 October	John Gates	Two pieces of land, part of the waste of the New Forest, situate at Sway, in the parish of Boldre, containing together 1 A. 3 R. 35 P., or thereabouts.	35 – –	Appropriated to the payment of the expenses incidental to the Act for the settlement of claims upon the New Forest.—*Vide* Act 17 & 18 Vict. c. 49.
18 October	Harry Phillips	Land, part of the waste of the New Forest, situate at Pilley, in the parish of Boldre, containing 1 A. 1 R. 36 P., or thereabouts.	30 – –	
20 October	Henry Tanner	Land, part of the waste of the New Forest, situate at Sway, in the parish of Boldre, containing 0 A. 1 R. 20½ P., or thereabouts.	6 – –	
20 October	William Reed	Land, part of the waste of the New Forest, situate at Sway, in the parish of Boldre, containing 20 perches, or thereabouts.	10 – –	
20 October	The Rev. Augustus James Brine.	Five pieces of land, part of the waste of the New Forest, situate at Boldre, in the parish of Boldre, containing together by admeasurement 32 perches, or thereabouts.	5 – –	
20 October	James Brown	Two pieces of land, part of the waste of the New Forest, situate at Portmore, in the parish of Boldre, containing together 0 A. 3 R. 28 P., or thereabouts.	34 – –	

2.—RETURN of Lands, Portions of the New Forest, Sold otherwise than to Railway Companies, &c.—*continued.*

Date of Conveyance.	To whom Sold.	Premises Sold.	Purchase Money.	Appropriation of Purchase Money.
1858:			£ s. d.	
20 October	John Smith	Two pieces of land, part of the waste of the New Forest, situate at Norley, in the parish of Boldre, containing together 3 A. 2 R. 2 P., or thereabouts.	58 - -	Appropriated to the payment of the expenses incidental to the Act for the settlement of claims upon the New Forest.—*Vide* Act 17 & 18 Vict. c. 49.
20 October	James Burden	Two pieces of land, part of the waste of the New Forest, situate at Boldre, in the parish of Boldre, containing together 16 perches, or thereabouts.	9 - -	
20 October	Henry Elford	Land, part of the waste of the New Forest, situate at Boldre, in the parish of Boldre, containing 5 perches, or thereabouts.	3 - -	
20 October	William Lancaster	Land, part of the waste of the New Forest, situate at Norley, in the parish of Boldre, containing 33 perches, or thereabouts.	7 - -	
20 October	George White	Two pieces of land, part of the waste of the New Forest, situate at Norley, in the parish of Boldre, containing together 36 perches, or thereabouts.	26 - -	
22 October	Benjamin Elgar	Four pieces of land, part of the waste of the New Forest, situate at Sandy Down and Boldre, in the parish of Boldre, containing 8 A. 1 R. 14 P., or thereabouts.	160 - -	
25 October	Elisha Pocock	Three pieces of land, part of the waste of the New Forest, situate at Sandy Down, in the parish of Boldre, containing together 0 A. 2 R. 3 P., or thereabouts.	17 - -	
26 October	Zachariah Butt	Five pieces of land, part of the waste of the New Forest, situate at Sandy Down, in the parish of Boldre, containing together 11 A. 3 R. 4 P., or thereabouts.	215 - -	
26 October	John Strapp	Three pieces of land, part of the waste of the New Forest, situate at Sandy Down, in the parish of Boldre, containing together 3 A. 0 R. 10 P., or thereabouts.	61 - -	
27 October	Miss Elizabeth Godwin Hollis.	Land, part of the waste of the New Forest, situate at Bull Hill, in the parish of Boldre, containing 0 A. 3 R. 5 P., or thereabouts.	25 - -	
27 October	David Mitchell	Two pieces of land, part of the waste of the New Forest, situate at Sandy Down, in the parish of Boldre, containing 23 A. 1 R. 10 P., or thereabouts.	350 - -	
27 October	Lieut.-General William Gilbert.	Land, part of the waste of the New Forest, situate at Boldre, in the parish of Boldre, containing 28 perches, or thereabouts.	13 - -	
27 October	Francis Walsingham St. Barbe.	Five pieces of land, part of the waste of the New Forest, situate at Boldre, in the parish of Boldre, containing together 0 A. 4 R. 26 P., or thereabouts.	35 - -	
8 November	John Greaves, Esq.	Land, part of the waste of the New Forest, situate at Vicar's Hill, in the parish of Boldre, containing 12½ perches, or thereabouts.	3 2 6	
8 November	Sir John Rivett Carnac, Bart.	Several pieces of land, part of the waste of the New Forest, situate in the parish of Boldre, containing together 1 A. 0 R. 34½ P., or thereabouts.	48 17 6	
8 November	Thomas Parker Mew	Six pieces of land, part of the waste of the New Forest, situate at Sway, in the parish of Boldre, containing together 5 A. 3 R. 2 P., or thereabouts.	93 - -	

2.—RETURN of Lands, Portions of the New Forest, Sold otherwise than to Railway Companies, &c.—*continued.*

Date of Conveyance.	To whom Sold.	Premises Sold.	Purchase Money.	Appropriation of Purchase Money.
1858:			£. s. d.	
10 November -	John Murdin - - -	Four pieces of land, part of the waste of the New Forest, situate at Sandy Down, in the parish of Boldre, containing together 11 A. 1 R. 19 P., or thereabouts.	240 - -	Appropriated to the payment of the expenses incidental to the Act for the settlement of claims upon the New Forest.—*Vide* 17 & 18 Vict. c. 49.
10 November -	Alfred Pope - - - -	Land, part of the waste of the New Forest, situate at Pilley, in the parish of Boldre, containing 28½ perches, or thereabouts.	6 18 -	
4 December -	Thomas Row Sharland -	Six pieces of land, part of the waste of the New Forest, situate in the parish of Fawley, containing 9 A. 1 R. 0 P., or thereabouts.	210 - -	
20 December -	John Hewitt - - - -	Four pieces of land, part of the waste of the New Forest, situate in the parish of Boldre, containing together by admeasurement 6 A. 0 R. 28 P., or thereabouts.	120 - -	
22 December -	W. H. R. Bradshaigh -	Two pieces of land, part of the waste of the New Forest, situate at Sandy Down, in the parish of Boldre, containing together 9 A. 2 R. 15 P.	180 - -	
22 December -	Lieut. Col. E. S. Farmar	Three pieces of land, part of the waste of the New Forest, situate at Sandy Down, in the parish of Boldre, containing 0 A. 3 R. 5 P., or thereabouts.	20 - -	
27 December -	W. P. W. Freeman -	Four pieces of land, part of the waste of the New Forest, situate in the parish of Boldre, containing together 3 A. 3 R. 26 P., or thereabouts.	80 - -	
29 December -	Henry Rastrick - -	Two pieces of land, part of the waste of the New Forest, situate in the parish of Fawley, containing together 10 A. 2 R. 30 P., or thereabouts.	183 - -	
31 December -	Joseph Kitcher - -	Land, part of the waste of the New Forest, situate at Sway, in the parish of Boldre, containing 1 A. 0 R. 38 P., or thereabouts.	20 - -	
31 December -	John Templer - -	Five pieces of land, part of the waste of the New Forest, situate at Sway, in the parish of Boldre, containing 4 A. 1 R. 31 P., or thereabouts.	65 - -	
31 December -	Sir George Burrard, Bart.	Two pieces of land, part of the waste of the New Forest, situate in the parish of Boldre, containing together, 0 A. 1 R. 17 P., or thereabouts.	12 - -	
1859:				
7 April - -	John Waterfield - -	Land, part of the waste of the New Forest, situate at Bank, in the parish of Lyndhurst, containing by admeasurement 0 A. 1 R. 17 P.	19 - -	Appropriated to the payment of purchase monies on the purchase of fuel rights, or other rights, or of manors, messuages, or other hereditaments; and to the payment of monies paid for equality of exchange on exchanges; and of the expenses in or relating to such purchases or exchanges, and to the payment of the monies paid for the redemption or purchase of land tax, and of the expenses in or relating to such purchase or redemption; and to the discharge of incumbrances charged upon the possessions and land revenues of the Crown.—*Vide* Act 10 Geo. 4, c. 50.
7 April - -	John Earley - - -	Land, part of the waste of the New Forest, situate at Brockenhurst, containing by admeasurement 10 perches.	2 10 -	
3 June - -	Charles Cowland - -	Four pieces or strips of land, part of the waste of the New Forest, situate at Fritham, containing by admeasurement 1 rood.	12 10 -	
21 June - -	Charles Gowland - -	Three pieces of land, part of the waste of the New Forest, situate at Fritham, containing by admeasurement 36 perches.	11 - -	
4 August - -	Sarah Hall - - -	Two pieces of land, part of the waste of the New Forest, situate at Palmer's Water, within Whitley Ridge Walk, containing by admeasurement 0 A. 3 R. 10 P.	8 - -	

2.—RETURN of Lands, Portions of the New Forest, Sold otherwise than to Railway Companies, &c.—*continued.*

Date of Conveyance.	To whom Sold.	Premises Sold.	Purchase Money.	Appropriation of Purchase Money.
			£ s. d.	
1859:				
14 November -	John Strapp - - -	Land, part of the waste of the New Forest, situate at Sandy Down, in the parish of Boldre, containing 7 A. 0 R. 8 P., or thereabouts.	121 - -	Appropriated to the payment of the expenses incidental to the Act for the settlement of claims upon the New Forest.—*Vide* Act 17 & 18 Vict. c. 49.
21 November -	John Hewitt - - -	Land, part of the waste of the New Forest, situate at Pilley, in the parish of Boldre, containing 1 A. 0 R. 20 P., or thereabouts.	20 - -	
21 November -	Elisha Pocock - -	Several pieces of land, part of the waste of the New Forest, situate at Sandy Down, in the parish of Boldre, containing 1 A. 1 R. 24 P., or thereabouts.	30 - -	
9 December -	Charles Hinves - -	Land, part of the New Forest, situate at Lyndhurst, containing by admeasurement 1½ perches.	3 - -	Appropriated to the payment of purchase monies on the purchase of fuel rights, or other rights, or of manors, messuages, or other hereditaments; and to the payment of monies paid for equality of exchange or exchanges, and of the expenses in or relating to such purchases and exchanges; and to the payment of the monies paid for the redemption or purchase of land tax, and of the expenses in or relating to such purchase or redemption; and to the discharge of incumbrances charged upon the possessions and land revenues of the Crown. —*Vide* Act 10 Geo. 4, c. 50.
1860:				
7 January -	John Morant - -	Several pieces of land, part of the waste of the New Forest, containing 4 A. 3 R. 17 P.	70 - -	Appropriated to the payment of the expenses incidental to the Act for the settlement of claims upon the New Forest.—*Vide* Act 17 & 18 Vict. c. 49.
13 April - -	Henry Melton and William Thornton.	Land, part of the waste of the New Forest, situate at Lyndhurst, containing by admeasurement 1¾ perches.	3 10 -	Appropriated to the payment of purchase monies on the purchase of fuel rights, or other rights, or of manors, messuages, or other hereditaments; and to the payment of monies paid for equality of exchange or exchanges, and of the expenses in or relating to such purchases and exchanges; and to the payment of the monies paid for the redemption or purchase of land tax, and of the expenses in or relating to such purchase or redemption; and to the discharge of incumbrances charged upon the possessions and land revenues of the Crown.—*Vide* Act 10 Geo. 4, c. 50.
1861:				
17 January -	Hannah Wyett White -	Land, part of the waste of the New Forest, situate at Lyndhurst, containing by admeasurement ¼ perches.	1 - -	
12 February -	Thomas William Robins	Land, part of the waste of the New Forest, situate at or near Stoney Cross, containing by admeasurement 0 A. 2 R. 22 P.	38 - -	
24 April - -	George Edward Eyre -	Land, part of the waste of the New Forest, situate at Fritham, containing by admeasurement 35 perches, or thereabouts.	9 - -	
1862:				
13 March - -	Robert Cole - - -	Land, part of the waste of the New Forest, situate at Bank, in the parish of Lyndhurst, containing 32 perches, or thereabouts.	11 - -	
13 March - -	David Broomfield - -	Land, part of the waste of the New Forest, at Bank, in the parish of Lyndhurst, containing 4 perches, or thereabouts.	1 10 -	
19 September -	Wm. Peers William Freeman.	Three pieces of land, part of the waste of the New Forest, situate at Sheep Wash, Norley, in the parish of Boldre, containing by admeasurement 0 A. 2 R. 7 P., or thereabouts.	16 - -	
19 September -	John White - - -	Land, part of the waste of the New Forest, situate at Burley, containing by admeasurement 17 perches, or thereabouts.	4 5 -	
8 November -	Jonathan Hargreaves -	Three several pieces of land, part of the waste of the New Forest, situate in the parish of Lyndhurst, containing by admeasurement 0 A. 1 R. 18 P., or thereabouts.	15 - -	
15 December -	Charles Webb - -	Land, part of the waste of the New Forest, situate at Emery Down, in the parish of Lyndhurst, containing by admeasurement 12 perches, or thereabouts.	3 - -	

2.—RETURN of Lands, Portions of the New Forest, Sold otherwise than to Railway Companies, &c.—*continued.*

Date of Conveyance.	To whom Sold.	Premises Sold.	Purchase Money. £. s. d.	Appropriation of Purchase Money.
1863:				
13 January	John Morant	Several pieces of land, part of the waste of the New Forest, situate in Whitley Ridge Walk, containing 5 A. 1 R. 22 P., or thereabouts.	53 18 6	Appropriated to the payment of purchase monies on the purchase of fuel rights, or of other rights, or of manors, messuages, or other hereditaments; and to the payment of monies paid for equality of exchange or exchanges, and of the expenses in or relating to such purchases and exchanges; and to the payment of the monies paid for the redemption or purchase of land tax, and of the expenses in or relating to such purchase or redemption; and to the discharge of incumbrances charged upon the possessions and land revenues of the Crown.—*Vide* Act 10 Geo. 4, 50.
14 April	Joseph Ryder	Land, part of the waste of the New Forest, situate at Lyndhurst, containing by admeasurement 18 perches, or thereabouts.	6 10 –	
22 April	The Duke of Buccleuch	Land, part of the waste of the New Forest, containing by admeasurement 24 perches, or thereabouts.	5 – –	
1864:				
6 July	John Morant	Several pieces of land, part of the waste of the New Forest, containing by admeasurement 4 A. 1 R. 3 P., or thereabouts.	166 17 6	
6 July	Francis Frederick Lovell	Land, part of the waste of the New Forest, situate in the parish of Brockenhurst, containing by admeasurement 0 A. 1 R. 25 P., or thereabouts.	24 – –	
6 July	John Blagrave Bulley	Land, part of the waste of the New Forest, situate at Allum Green, in Rhinefield-walk, containing by admeasurement 0 A. 1 R. 2 P., or thereabouts.	16 – –	
15 July	Augustus James Knapton	Two pieces of land, part of the waste of the New Forest, situate in the parish of Boldre, containing by admeasurement one rood, or thereabouts.	10 – –	
19 September	Charles Castleman	Two pieces of land, part of the waste of the New Forest, situate in the parish of Lyndhurst, containing by admeasurement 0 A. 1 R. 27 P., or thereabouts.	61 – –	
1865:				
4 July	John Bulkeley Thelwall	Land, part of the waste of the New Forest, containing by admeasurement 26 perches, or thereabouts.	17 – –	
6 July	Thomas Grace	Land, part of the waste of the New Forest, situate in the parish of Eling, containing by admeasurement 0 A. 1 R. 12 P., or thereabouts.	19 – –	
28 August	Daniel Craft	Land, part of the waste of the New Forest, situate in the parish of Boldre, containing by admeasurement 4 perches, or thereabouts.	2 – –	
8 September	Henry Buckworth Powell	Two pieces of land, part of the waste of the New Forest, situate in the parish of Lyndhurst, containing by admeasurement 20½ perches, or thereabouts.	5 – –	
27 October	Henry Youngs	Land, part of the waste of the New Forest, containing seven perches, or thereabouts.	2 – –	
1866:				
6 June	Henry Hatch	Land, part of the waste of the New Forest, situate at Bramshaw, in Bramble Hill Walk, containing by admeasurement 14 perches, or thereabouts.	4 – –	
6 June	Samuel Rond	Land, part of the waste of the New Forest, situate at Bartley Green in the parish of Eling, containing by estimation 28 perches, or thereabouts.	8 – –	
12 June	Ann Shelley	Land, part of the waste of the New Forest, situate at Burley end, in Burley Walk, containing 26 perches, or thereabouts.	8 – –	
12 June	Philip Anstie Smith	Land, part of the waste of the New Forest, situate at Burley, in Burley Walk, containing 0 A. 1 R. 25 P., or thereabouts.	19 – –	

2.—RETURN of Lands, Portions of the New Forest, Sold otherwise than to Railway Companies, &c.—*continued.*

Date of Conveyance.	To whom Sold.	Premises Sold.	Purchase Money.	Appropriation of Purchase Money.
1866:			£. s. d.	
21 November -	William Peere Williams Freeman.	Three pieces of land, part of the waste of the New Forest, containing together 0 A. 3 R. 21 P., or thereabouts.	26 - -	Appropriated to the payment of purchase monies on the purchase of fuel rights, or other rights, or of manors, messuages, or other hereditaments; and to the payment of monies paid for equality of exchange or exchanges, and of the expenses in or relating to such purchases and exchanges; and to the payment of the monies paid for the redemption or purchase of land tax, and of the expenses in or relating to such purchase or redemption; and to the discharge of incumbrances charged upon the possessions and land revenues of the Crown.—*Vide* Act 10 Geo. 4, c. 50.
29 November -	William Whitefield and George Cooper.	Land, part of the waste of the New Forest, situate at Blackwell Common, in the parish of Tawley, containing by admeasurement 0 A. 1 R. 28 P., or thereabouts.	8 - -	
1867:				
4 March - -	James Petty Hine and Henry Hine.	Land, part of the waste of the New Forest, with the messuage and buildings lately erected thereon, in the parish of Eling, containing by admeasurement 1 A. 0 R. 2 P., or thereabouts.	101 - -	
3 May - -	Ezekiel Lawford - -	Land, part of the waste of the New Forest, situate at Emery Down, in Ironshill Walk, containing 14 perches, or thereabouts.	5 5 -	
3 May - -	Benjamin Jones - -	Land, part of the waste of the New Forest, situate at Emery Down, in Ironshill Walk, containing 6 perches, or thereabouts.	2 5 -	
6 May - -	Henry Keeping - -	Land, part of the waste of the New Forest, situate at Emery Down, in Ironshill Walk, containing 0 A. 1 R. 13 P., or thereabouts.	7 - -	
6 May - -	Henry Keeping - -	Land, part of the waste of the New Forest, situate at Emery Down, in Ironshill Walk, containing 13 perches, or thereabouts.	5 - -	
13 May - -	Sarah Curtis - - -	Land, part of the waste of the New Forest, situate at Emery Down, in Ironshill Walk, containing 4 perches, or thereabouts.	1 10 -	
1868:				
27 January -	Charles Buckett - -	Two pieces of land, part of the waste of the New Forest, situate in Lady Cross Walk, in the parish of Boldre, containing together 1A. 1R. 10P, or thereabouts.	23 - -	

23 June 1868. *James K. Howard.*

3.—RETURN of all LANDS, Portions of the NEW FOREST, Exchanged between the 1st April 1848 and the 31st March 1868.

Date of Deeds of Exchange.	With whom Exchange was made.	Description of Lands Exchanged.	Mode of dealing with Land received in Exchange.
1860:			
16 February - -	John Turner Turner - -	A piece or parcel of land, part of the open waste of the New Forest, in the county of Southampton, containing 5 A. 2 R. 2 P., situate at Brook, in the parish of Bramshaw, in the said Forest, reserving to Her Majesty all mines, minerals, and quarries, in exchange for a piece of land situate at Pike's Hill, in the parish of Lyndhurst, containing 5 A. 2 R. 2 P.	Let to Aaron Withers, as yearly tenant, at the sum of 20*l.* per annum. The tenant paying all rates and taxes, except income tax.

23 June 1868. *James K. Howard.*

Appendix C.

Appendix C.

REPORT OF MR. WESTBURY.

To the New Forest Association Committee.

Gentlemen,

In accordance with instructions from the Commoners' Defence Association, I have been into the New Forest, and taken a general view of a large portion of the same. The first two days I was accompanied by Mr. Briscoe Eyre, and the two last I was alone. I first saw what may be termed the north and north-west portions, and afterwards the more central and south-western.

Viewing the object of my inspection to have reference to some extent to those portions of Mr. Howard's report which refer to the state of pasturage, as affected by the new inclosures, and the throwing out of old ones, I find it necessary to divide my report into five heads, and—

First. I have considered the state of pasture in those parts of the forest which appear to be the old natural forest.

Secondly. To those parts which are stated to have been inclosed, and thrown out previous to the present century.

Thirdly. To those parts thrown out between 1815 and 1851.

Fourthly. To those thrown out in 1851.

Fifthly. To the new, and proposed new inclosures.

As to the First.—I find a considerable amount of pasture in places, many spots without trees, others with single trees, and here there is fair pasture; other spots with strong growing furze, and in places masses of beach, where the furze is strong; there is but little feed, and less still where beech prevail.

As to the Second.—The same remarks pretty generally apply.

As to the Third.—Here, generally speaking, there is some pasture, but not so good as there is in the first and second parts, so much of the ground being regularly cropped with trees, and the open spaces apparently being spots where the trees had in their early stages died, and were not replanted.

As to the Fourth.—I find extremely little pasturage, nor can I anticipate a probable increase. The trees are generally, if not altogether very thick, and in most parts a great quantity of brambles, bushes, and underwood are growing; hollies are getting up, and with the exception of the rides and walks, the cattle have no vacant spots on which to feed; and I observed too, where the trees were growing tallest and best, and where there appeared less undergrowth, there, on thinning the trees, the brambles were extending, and covering the ground.

For want of air, and from the abundance of flies, the cattle do not go to any extent into these plantations, in the summer months, and especially by day; and this, of course, promotes the growth of bushes, underwood, &c.

In some of these plantations, too, there are many deep ditches and drains, which render the feeding dangerous. In fact the main pasturage under trees standing so thick is long sour blades of coarse grass, which cattle do not like.

As to the Fifth.—I consider from the perfect manner in which the new plantations are being made, there is, and will be still, less pasturage than anywhere else.

I assume that where trees fail others will be planted, and these plantations can never have anything of a forest character, but simply be that of immense woods of oak and fir; this applies, too, very strongly to those portions thrown out in 1851, and in some degree to those thrown out between 1815 and 1851.

The great number of drains and ditches in the new inclosures renders feeding very dangerous, and the great extent of the inclosures will, in a great degree, confine the cattle to particular spots, and prevent their roaming about in search of food, the only ways of communication being the rides through these new plantations.

Generally.—I consider the pasturage in the forest must be very materially lessened by the new and proposed inclosures, as it is mostly the best land that has been and is now being taken in, and in some places where it cannot be "best spared" by the commoners.

The

The proposed inclosures near Canterton will be a great loss to the commoners there, as well as to those at Brook, Fritham, and Bramshaw; and the one adjoining Minstead, too, must prove a great loss to that parish. My time did not permit me to inquire into those called Matley and Denny.

So very large a portion of the forest being extremely poor land, covered with heath (intermixed in small patches with strong furze), the inclosure of so much of the best land lessens the value of the pasturage greatly beyond the acreage extent; moreover, as the deer remained in the forest all the year, I conclude they browsed during the winter months on the young shoots of the undergrowth, such as bushes, underwood, heath, hollies, &c., and thereby prevented their growth and extension, which I am strongly inclined to believe has taken place, and more especially with regard to the extended growth of the heath from its natural position towards the valleys or lawns which heretofore must have been the best feeding grounds, certainly of the parts where timber did not exist.

As regards the drainage, it appears to me to benefit only the new plantations, the outsides of which are in no way benefited, as far as I could discover.

I cannot think the effect of planting was fairly visible in 1851, as up to that time the deer were in the forest, and they no doubt tended very materially to keep down the heath, brambles, bushes, hollies, underwood, &c. I do not, therefore, consider the effect of the Deer Removal Act was at that time as apparent as it is now, and has been for several years past. My own opinion is, that under the present system of stocking the forest the value of the commoners' pasturage will be yearly lessened, even without reference to the fact that out of the 10,000 acres by such Act authorised to be inclosed, only 3,090 acres have up to this time been inclosed.

To do anything like justice to so large a subject, and to one's self, a full week at least would be a very moderate time. I have only spent four days, including journeys there twice and back, and I returned after nine o'clock last night, and therefore have only had this day to prepare my Report.

I am, &c.

Andover, 7 June 1868. (signed) *Giles Westbury.*

Appendix D.

Appendix D.

REPORT OF MR. BONE.

Sir, Avon, Ringwood, 7 May 1868.

In accordance with my promise to inspect and report to you my opinion of the effect of inclosure on the value of pasturage in the New Forest, I have within the past three weeks gone through the following list of inclosures, to which you directed particular attention, and submit, as my opinion thereon, the following individual and general remarks:

Ocknell. In some parts where there are very few or no trees, there is some pasture. Where the timber is regularly planted, there is no pasture or underwood; the surface of the land is covered by moss and whortleberry.

Sloden. The above description applies.

Rinefield Sandy's. No pasture worthy the name.

Aldridge Hill. Some poor weak grasses of a kind unappreciated by cattle.

Morley Wood. Considerable quantity of underwood; pasture a little, but useless in summer.

Wilverley. The south side much covered with bramble; on the north side no pasture.

Wootton. 1851. Covered thickly with underwood and surface drains.

1829. This portion has but little timber on it; there is some better pasture.

Holly Hatch. Considerable quantity of underwood and briars, useful as browse to cattle in winter; pasturage very little.

New Coppice. Thickly covered with underwood and blackthorn; in a considerable portion of this inclosure the latter is so thick and strong as to render it impossible for cattle to get through it; the pasture is worthless.

Broomey. Some scant pasturage of inferior description where the trees are thinly planted.

Hurst Hill. Large quantity of underwood; pasturage none.

Church Place. The foregoing description applies.

Holmesley. Considerable quantity of underwood; no pasture of use to cattle.

Anderwood. Underwood, briars, &c.; no pasture.

Roe. Large quantity of underwood and briars, &c.; the pasture very spare on a very limited space.

Seltthorns. On the south side a considerable quantity of underwood and briars, with some spare pasture; on the north side no pasture.

Holm Hill. A considerable quantity of underwood; pasturage very trifling,

From the foregoing remarks it will be seen I arrive at the conclusion the pasturage within the limits of the several inclosures is nearly valueless to those who exercise only the legitimate right of turning cattle into the forest from the 4th of May till the 22nd of November. During the winter months some advantage may be derived by cattle having the opportunity of browsing on the underwood, briars, and coarse grass, sweetened by the frosts, but under such circumstances only will cattle feed under trees. Whether there is right or not to exercise this privilege, it seems to be allowed, since I find the underwood and briars in inclosures in the neighbourhood of villages and the forest boundaries broken down and evidently eaten by cattle; but this is done during the winter season, after the pasture in the open forest is exhausted.

The act of inclosure and planting undoubtedly destroys the heath and furze; as the trees become high enough to exclude sun and light, at the same time it destroys all herbage.

If the inclosures had been taken from those parts of the forest where heath prevails over all other plants, the effect on the value of pasturage would not have been material; but almost invariably they have been taken from the bottoms, and best stapled lands in the forest, thus the commoners suffer as much from the loss of quality as quantity in the pasturage.

In many instances the drainage of the inclosures operates banefully on the pasturage adjoining;

adjoining; notably, on the south side of Burley New, south side of Wilverley, north side of Wootton, south side of Rinefield Sandy's and others, where the drains emptying on lower land create a swamp, which destroys all the finer grasses.

After inclosure, how many years must elapse before the pasturage regains its original value? It is difficult to answer this question. It will depend on the thickness of the timber. I observed in some of the older inclosures, the North and South Bentley's for instance, inclosed in 1700, where there is a fine and thick crop of timber still standing, it is as bare and unprofitable as pasture as it was probably at the time it was thrown open; certainly a century since. The surface is now covered with scrub, holly, and shrubs of a similar character; again, beneath the trees, which appear to be of much older date, standing between Anderwood and Bolderwood grounds, there is no pasture, except on spots where the timber is sufficiently removed to admit light and the influence of the sun; this condition appears to me to be indispensably necessary before the pasturage can regain its original value; and there does not appear to be any definite time to be relied on for its removal; once planted it may remain hundreds of years in the condition of the Bentleys, above alluded to.

The effect of inclosure on the right of turbary is to limit the area from which such right can be claimed, thus driving those who exercise the right to the necessity of going increased distances from their abodes to get their supply, and consequently increasing the cost thereof.

Seeing that the Crown, under the Act of 1851, inclosed but 3,090 acres, and that in doing so they have taken the most valuable portions of the pasturage in the forest, if the same system is pursued for the inclosure of the remainder 6,910 acres, it is quite clear to me the right of pasture will be worthless.

I remain, &c.

To W. C. D. Esdaile, Esq. (signed) *Henry Bone.*

Appendix E.

Appendix E.

Proposed Remedy for the Complaint of the Commoners of the New Forest.

Proposed Remedy.	Because.
I.—That fence month and winter heyning should be made free to the commoners, in accordance with the evident intention of the Legislature in 1851, and of Mr. Gardiner, the Crown Solicitor.	1. These laws are so intimately connected with the right of keeping deer, that they ought to cease with the ceasing of the right to deer. 2. That the object of the Act, Will. 3, was to protect the common rights, and ought not to be made to destroy them. 3. That nothing in the Deer Removal Act of itself would have preserved those laws. 4. That the evidence given by the solicitor to the Crown in charge of the Bill in 1851 was direct to the point, that the Bill would have the effect of leaving the Crown with the right *only* of soil and timber. 5. That after this evidence it is bad faith to claim the benefit of these laws (because of the provisions of the Act, Will. 3) when the deer, the cause of these laws being first imposed upon the commoners, are removed by law. 6. That no compensation ought to be given if an injustice has been worked.
II. That the terms of the Deer Removal Act should be modified as regards the taking in of fresh land for planting in lieu of plantations flung open to this extent, viz.:— That instead of plantations being flung open, and a corresponding acreage inclosed "when the trees in the former" are past danger of "browsing by cattle and other prejudice," the power should be given to the Crown to inclose fresh land upon certificate to the Commission for inclosure, that the land flung open had been cleared of timber, or so far cleared as to be fit for pasturage. The test of such fitness to be a letting value of 5*s.* per acre for the pasturage, or such sum as may seem right. Such certificate to be made by two sworn surveyors, one appointed by the Crown, another by the verderers, with arrangement for the calling in a third in case of difference.	II. The commoners ask this, not on the same ground as they ask for winter heyning and fence month, on the ground that such a claim is "bad faith" on the part of the Crown, but because they see the result of the Act of 1851 will be— 1. To make the forest one huge wood. 2. To destroy their valuable interest in the forest as to pasturage and turbary. 3. Because they believe that the Legislature could not have foreseen such a result, when by the same Act a machinery was given for obtaining a Parliamentary title to their rights over the forest, and that therefore it was not intended to confiscate that property. 4. Because they believe that the alteration suggested by them is not only fair to them, but preserves to the Crown the valuable right of maintaining a continuous supply of timber. 5. Because they believe that the real basis of the rolling power of planting given to the Crown was the *restoration of pasturage to commoners.*

Proposed Remedy.	Because.
III. That the position of the Crown should be defined to be that of a lord of a manor, with a right to the soil and timber only, as stated by Mr. Gardiner in his evidence as to the effect of the Deer Removal Act in 1851.	III. Such a definition would preclude all future dispute between Crown and commoners. At present the latter are accurately defined as to persons and rights by the book of claims; but there exists no abstract definition of the Crown's rights, except their own declaration in 1851, which is repudiated in practice. It is alleged that the commoners encroach on the rights of the Crown, but this is now impossible.
IV. That the drainage money derived from the sale to the railway company should be laid out for the improvement of the forest.	IV. This is a simple request that *that* should be done which an Act of Parliament requires to be done.
V. That all future sales of forest land subject to common rights should be with the consent of the verderers, and that money arising from such sales should be used for the mutual benefit of the Crown and commoners.	V. This request is framed entirely on a Crown Commissioner's recommendation in 1848, who states that legislation is expedient to carry out the fair application of money arising from such sales.—*Rep.* 1848, Q. 4705.

I N D E X.

[*N.B.*—In this Index the *Figures* following the Names of the Witnesses refer to the Questions in the Evidence; those following *App.* to the Pages in the Appendix; and the Numerals following *Rep.* to the pages in the Report.]

A.

ABBOTT, WILLIAM. (Analysis of his Evidence.)—Occupies a small quantity of land at Brockenhurst, in the New Forest; turns out one or two cows and a pony for pasture in the forest, 357-361——Complains that since the removal of the deer, and the exclusion of ponies from the forest in winter, the pasturage is greatly deteriorated, 362-364. 370-372——Is not individually affected by any of the inclosures, though generally the plantations destroy the pasturage, 365-369.

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Opinion that if there be a general inclosure, the best course for the poorer commoners would be to give them one collective allotment, rather than small individual plots, *Esdaile* 1099-1101.

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I.

INCLOSURES:

1. *As to the Powers under which Inclosures have hitherto been carried out by the Crown, and as to the Extent and Mode of Exercise of such Powers.*
2. *As to the Course to be pursued upon the Subject of future Inclosures, under a New and Amended System.*

1. *As to the Powers under which Inclosures have hitherto been carried out by the Crown, and as to the Extent and Mode of Exercise of such Powers:*

Total of about 1,000 acres within inclosures, whilst 4,000 more acres were just thrown open when witness went to reside in the forest, seventeen years ago, *Esdaile* 10, 11. 69, 70——Power under the Act 9 & 10 Will. 3, c. 36, to inclose 6,000 acres, there being, however, a reservation of the rights of the commoners, *ib.* 11–14. 17–19——Provision in the Act that land to be inclosed should be that which could "best be spared" from the commons and highways; legal opinion taken on this point, *ib.* 13. 27. 144.

Very different and more unsatisfactory way in which the powers of the Crown as to inclosure have been exercised since the Act of 1851, *Esdaile* 52–63——Admission, however that the Crown is exercising its right of inclosure with discretion and propriety; apprehension, however, of very prejudicial effects to the commoners in the course of years, *ib.* 60–63——Inclosure since 1851 of some 4,000 acres under William the Third's Act and of about 3,000 under the Deer Removal Act, *ib.* 63.

Absence of any additional injury under the Act of 1851 in respect of the 6,000 acres empowered to be inclosed by the Act of William the Third, *Esdaile* 69–73——Belief that a private individual, if in the place of the Crown, could not have obtained the Act of 1851 to the prejudice of so many freeholders, *ib.* 80——Total inclosure at present of about 8,000 acres, or 2,000 in excess of the power under William the Third's Act, *ib.* 153-156.

Serious injury caused by the inclosures at Shave Green, Brockis Hill, &c., as rendering unavailable about 500 acres of excellent pasture land, *Eyre* 424, 425——Data for the conclusion that the Crown had no authority by Act for making inclosures, since 1851, of less than 300 acres, whereas several such have been made, *ib.* 433-438.

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1. *As to the Powers under which Inlosures, &c.—continued.*

Inclosure hitherto of only 3,090 acres out of 10,000 acres which the Crown has powe. to inclose and keep in severalty under the Act of 1851, *Hon. J. K. Howard* 581, 582——Total of 16,000 acres to be inclosed, including 6,000 under the Act of William the Third, *ib.* 582——Belief that there have been no inclosures of less than 300 acres since the Act of 1851, *ib.* 632–636——Question considered as to the opportunities of the commoners in 1851 for judging what the effect of the Act would be; small area then inclosed as compared with the total area liable to inclosure, *ib.* 637–646——Expense saved in having the inclosures of large size, such as 1,000 acres, *ib.* 671——Further statement that the Crown has hitherto inclosed, since 1851, only about one-third of the authorised 10,000 acres, *ib.* 706, 707. 710, 711.

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Statement showing the extent of inclosed plantations in the years 1787, 1848, and 1868 respectively, *App.* 111.

Statement in report of Mr. Westbury that the pasturage in the forest must be very materially lessened by the new and proposed inclosures, *App.* 124, 125.

Conclusion arrived at in the report of Mr. Bone as to the very prejudicial effect of the inclosures upon the commoners' rights, *App.* 126, 127.

Summary by the Committee of the provisions in regard to inclosure, &c., under the Acts 9 & 10 Will. 3, c. 76, and 14 & 15 Vict. c. 76, *Rep.* iii——Total of 16,000 acres now empowered to be inclosed at the same time, of which only 9,090 acres are now inclosed, *ib.*——Circumstance of no inclosures under the Act of 1851 having yet been thrown open, *ib.*

Gradual extension of plantations over the greater part of the forest, accordingly as the right of inclosure is exercised by virtue of the existing Acts, *Rep.* v.——Great difficulty and dissatisfaction expected in giving full effect to the Act of 1851, *ib.* v, vi.

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Way in which the planting of 10,000 acres in one part or other of the forest, and at the same time the privilege of pasturage, might be concurrently maintained without serious loss to the commoners, *Esdaile* 132–140——Opinion as to the advantage to the commoners in an Inclosure Act being at once applied to the forest, their rights being duly recognised, rather than in gradual inclosure being allowed to take place without any proper recognition of such rights, *Castleman* 310–313. 320. 321——Advantage if there were no new inclosures within a mile of the border of the forest, *Eyre* 432——Expediency of land thrown open after inclosure being cleared and rendered fit for pasture before a similar quantity of land is taken for new inclosures, *Lord H. Scott* 464, 465. 467. 470–475. 506–509.

Object of the Crown to inclose the land best suited for the growth of oak, whilst the Commoners will be desirous of transferring inclosure to the poorer land less fit for pasture, *Hon. J. K. Howard* 683, 684——Conclusion that it is very desirable to obtain an Act of Inclosure for the New Forest, *Clutton* 732–734——In the interests of the public and with a view to better management of the land, the passing of an Inclosure Act, as a final settlement, is very desirable, *Cumberbatch* 875–880——Explanation of the mode in which a general inclosure might be carried out as regards the allotments for the Crown and for the commoners, *ib.* 883–896. 940–944. 994–999——Feeling of some of the commoners in favour of an Inclosure Act, *ib.* 974–976.

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Income and Expenditure. Circumstance of the New Forest having formerly entailed a loss to the Crown, it being now sought, in opposition to the commoners, to convert the loss into a gain, *Hon. J. K. Howard* 685–688——Surplus of New Forest income over expenditure since 1851 owing partly to the improved value of the timber, *Cumberbatch* 991–993.

Inquiry (*Bill of* 1851). Statement as to the commoners not having been properly heard in opposition to the Bill of 1851, *Esdaile* 66–68——Further statement as to the great body of commoners not having been represented before the Select Committee of 1851, *ib.* 190–195——Complaint as to the Deer Removal Act having been passed without full inquiry previously into the commoners' rights, *Castleman* 311–315. 317. 319——Narrative of the circumstances under which the Bill of 1851 was brought forward, and was passed with but limited opposition from the commoners, *ib.* 319——Regret expressed that the value of the commoners' rights was not ascertained before the measure of 1851, *Lord H. Scott*, 485.

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K.

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L.

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M.

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O.

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Ornamental Timber. Comment upon the injury being done to the ornamental character of the forest by cutting down beech and other trees, which realise but small amounts, *Esdaile* 183–186.

P.

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Plantations. Power under the Act of 1851 to plant not only oak but other timber, *Esdaile* 149——Satisfactory character of the plantation works so far as the interest of the Crown is concerned, *Lord H. Scott* 457. 463——Belief that without any Inclosure Act the interests of the Crown and of the commoners may jointly be preserved in the carrying out of inclosures; that is, by so regulating the planting as not to destroy the pasturage, *ib.* 466-475. 503-511.

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Ponies. Complaint as to ponies not being allowed pasturage in the forest from the 23rd November to the 6th May; great injury thereby to the pastures, *Cheetar* 250-257; *Eyre* 412-414——Beneficial effect upon the pasturage when the ponies were allowed to be turned out in winter, *Abbott* 264; *Fryer* 391——The driving in of the ponies in winter has tended to diminish the size of the lawns, and the amount of grass upon the open lands, *Eyre* 412.

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R.

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S.

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Woolmer Forest. Absence of prejudice in the case of Woolmer Forest by the allotments given to the smaller commoners in compensation of their rights of pasture, *Cumberbatch* 977–981——Information relative to the inclosure of Woolmer Forest, and the satisfaction of the commoners' rights, *Gardiner* 1088-1091.

Y.

Young, Charles. (Analysis of his Evidence.)—Owns and occupies two acres of freehold at Burley, having a right of pasture; turns out two cows and one pig, 198-203. 236–238——Suffers from the inclosures, inasmuch as the cattle are more restricted in their feeding ground; is apprehensive of greater injury from new inclosures, 204–212. 223–225. 231, 232——Would not complain of the removal of the deer, if there were no restriction as to the fence month and winter heyning; more pasturage available when the deer were in the forest, 213–221. 226–230. 233, 234. 239–241.

SPECIAL

REPORT

FROM THE

COMMITTEE

ON THE

PARK LANE IMPROVEMENT BILL.

Ordered, by The House of Commons, *to be Printed,*
22 *May* 1868.

293.

SPECIAL REPORT.

Mr. Woodd reported from the Committee on Group 1 A of Private Bills; That in the case of the Park Lane Improvement Bill, they had agreed to the following Special Report:

The Committee are unanimously of opinion that the inconvenience at present experienced from the overcrowded state of the traffic of Park-lane would be best obviated by opening up Hamilton-place as a thoroughfare for public traffic, with a width of not less than 60 feet roadway, to be obtained by removing the houses and other buildings on the eastern side.

22 *May* 1868.

SPECIAL REPORT

FROM THE

COMMITTEE

ON THE

PARK LANE IMPROVEMENT BILL.

Ordered, by The House of Commons, *to be Printed*,
22 *May* 1868.

293.

Under 1 *oz.*

FIRST REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have formed certain Private Bills into Groups, and have agreed to Report the same to the House, as follows:

GROUP A.

Brentford Gas.
Hythe and Sandgate Gas.
Eastbourne Gas.
Chichester Gas.
Worthing Gas.

GROUP B.

Peterborough Gas.
Farnworth and Kearsley Gas.
Burslem and Tunstall Gas.
Llynvi Valley Gas.
Ystrad Gas and Water.

GROUP C.

Staffordshire Potteries Water.
Warrington Water.
Sunderland and Shields Water.
Derby Water.
Ruthin Water.

GROUP D.

Grand Junction Water.
Slough Water.
Reading Water.
Reading Local Board of Health.
Portsmouth (Borough) Water.
Windsor and Eaton Water.

GROUP E.

Bradford Waterworks Improvement.
Halifax Corporation Waterworks and Improvement.
Leicester Improvement, Drainage and Markets.
Tynemouth (Borough) Quays and Improvement.
Portsmouth Camber Quays.
North Woolwich and Silvertown Drainage.

GROUP F.

Chichester Cattle Market.
Itchen Bridge.
Birmingham Proof House.
Gun-barrel Proof.
Haverfordwest Borough.
St. Mary Church Local Board.
Salford Hundred, and Manchester (City).
Courts of Record.
Caversham Bridge.

GROUP G.

Clyde Navigation.
Glasgow Court-house.
Dundee Reclamation, Esplanade, and Street.
Dundee Gas, No. 1.
Dundee Gas, No. 2.

GROUP H.

Humber Conservancy.
Aberdeen Harbour.
Hartlepool Port and Harbour.
Llanelly Harbour and Improvement.
Maryport District and Harbour.
Maryport Improvement and Harbour.

GROUP I.

St. Luke's (King's Cross) Improvement.
Park Lane Improvement.
Thames Embankment (North and South).
Thames Embankment (Chelsea).
St. Pancras Ecclesiastical Regulation.

GROUP K.

General Sewage Utilization.
County Down and Belfast Borough.
New Kilmainham Township.
Londonderry Bridge.
Sligo Borough Improvement.

COMMITTEE OF SELECTION.

FIRST REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
6 *March* 1868.

Under 1 *oz.*

SECOND REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have made certain alterations in the Groups of Private Bills already formed, and have agreed to Report the same to the House, as follows:

GROUP A.

They have withdrawn the—
Eastbourne Gas.

GROUP B.

They have withdrawn the—
Farnworth and Kearsley Gas.

GROUP E.

They have withdrawn the—
Portsmouth Camber Quays.

GROUP H.

They have withdrawn the—
Hartlepool Port and Harbour.

GROUP I.

They have withdrawn the—
Park Lane Improvement.
Thames Embankment (North and South).
Thames Embankment (Chelsea).

They have added the—
Eastbourne Gas.
Farnworth and Kearsley Gas.
Hartlepool Port and Harbour.
Portsmouth Camber Quays.

COMMITTEE OF SELECTION.

SECOND REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
18 *March* 1868.

126—I.

THIRD REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have made certain alterations in the Groups of Private Bills already formed, which they have agreed to Report to the House, as follows:

GROUP C.

They have added the—

Wellingborough Water.

GROUP D.

They have added the—

Portsmouth Camber Quays.

GROUP E.

They have added the—

Towns Drainage and Sewage Utilization.

GROUP I.

They have withdrawn the—

Portsmouth Camber Quays.

COMMITTEE OF SELECTION.

THIRD REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
3 *April* 1868.

126—II.

FOURTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made certain Alterations in the Groups of Private Bills already formed, and have agreed to Report the same, as follows:

GROUP C.

They have added the—

Caversham Bridge.
Portsmouth Camber Quays.
Reading Water.
Reading Local Board of Health.
Windsor and Eton Water.

GROUP F.

They have withdrawn the—

Caversham Bridge.

GROUP G.

They have added the—

Aberdeen Harbour.

GROUP H.

They have withdrawn the—

Aberdeen Harbour.

COMMITTEE OF SELECTION.

FOURTH REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
24 *April* 1868.

126—III.

FIRST REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

THE GENERAL COMMITTEE on RAILWAY and CANAL BILLS have formed the following Bills into Groups, and have agreed to report the same to The House:—

Group 1.

Read 2°.		
24 Feb.	1. Crystal Palace and South London Junction Railway.	Metropolitan Railway District.
24 Feb.	2. East London Railway.	
24 Feb.	3. London and Blackwall Railway.	
24 Feb.	4. Metropolitan Railway.	
24 Feb.	5. Metropolitan and St. John's Wood Railway.	
24 Feb.	6. Metropolitan District Railway.	
24 Feb.	7. North London Railway.	
10 Mar.	8. Tottenham and Hampstead Junction Railway.	
	9. Metropolitan Street Tramways.	
	10. Bishop Stortford, Dunmow, and Braintree Railway.	
	11. Great Eastern Railway.	

Group 2.

24 Feb.	1. Chichester and Midhurst Railway.	South Eastern and London and Brighton and South Coast Railway Districts.
24 Feb.	2. London, Brighton, and South Coast Railway.	
24 Feb.	3. South Eastern and London, Brighton, and South Coast Railway Companies.	
24 Feb.	4. South Eastern and London, Chatham, and Dover (London, Lewes, and Brighton) Railways (Abandonment).	
	5. London and South Western Railway.	

Group 3.

24 Feb.	1. Acton and Brentford Railway.	Great Western and Bristol and Exeter Railway Districts.
24 Feb.	2. Bristol and Exeter Railway.	
24 Feb.	3. Great Marlow Railway.	
24 Feb.	4. Great Western Railway.	
	5. Great Western Railway (Dividends).	
	6. Glastonbury and Street Tramway.	

Group 4.

	Read 2°	
London and South Western Railway District.		1. Fareham and Netley Railway.
	24 Feb.	2. Buckfastleigh, Totnes, and South Devon Railway.
	25 Feb.	3. Newquay and Cornwall Junction Railway (Deviation).
	25 Feb.	4. Teign Valley Railway.

Group 5.

Lancashire, Yorkshire, Cheshire, &c.	24 Feb.	1. Cheshire Lines.
	24 Feb.	2. Great Northern Railway.
	24 Feb.	3. Lancashire and Yorkshire Railway.
	24 Feb.	4. Lancashire and Yorkshire and Lancashire Union Railways Companies.
	25 Feb.	5. Lancashire Union Railways and London and North Western Railway Companies.
	24 Feb.	6. London and North Western Railway (Branches, &c.).
	24 Feb.	7. Liverpool Tramways.
	24 Feb.	8. Midland Railway (Additional Powers).
	24 Feb.	9. Wolverhampton and Walsall Railway.

Group 6.

North and Central Wales.	28 Feb.	1. Kington and Eardisley Railway.
	24 Feb.	2. Potteries, Shrewsbury, and North Wales Railway.
	24 Feb.	3. Abergavenny and Monmouth Railway.
		4. Afon Valley Railway.
		5. Brecon and Merthyr Tydfil Junction Railway (Arrangements, &c.).
	24 Feb.	6. Newport and Usk Railway.

Group 7.

		1. Caledonian Railway.
	24 Feb.	2. Glasgow and South Western Railway.
	24 Feb.	3. North British Railway (Forth River Railway).
	24 Feb.	4. North British Railway (General Powers).
	24 Feb.	5. Dublin, Wicklow, and Wexford Railway.

FIRST REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed*,
10 *March* 1868.

130. +

Under 1 *oz.*

SECOND REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have made the following Alteration in Group, No. 3, and have agreed to make a Report thereof to The House, as follows:—

Group 3.

They have added the—

Great Western Railway (Dividends) [No. 2].

SECOND REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed*,
24 *April* 1868.

130—I.

THIRD REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have made the following Alterations in Groups Nos. 2 and 3, and have agreed to make a Report thereof to The House, as follows:—

Group 2.

They have withdrawn the—

London and South Western Railway Bill.

Group 3.

They have added the—

London and South Western Railway Bill.

THIRD REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
28 *April* 1868.

130—II.

FOURTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have made certain Alterations in the Groups of Bills referred to them, and have agreed to make a Report thereof to The House, as follows:—

Group 1.

They have withdrawn the—

Metropolitan District Railway Bill.

Group 1 *a*.

They have added the—

Metropolitan District Railway Bill.

FOURTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
5 *May* 1868.

130—III.

FIFTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have formed the following Bills into a Group, and have agreed to Report the same to The House:—

Group 8.

Athenry and Ennis Junction Railway [Lords].
Belfast Central Railway [Lords].
Greenock and Ayrshire Railway [Lords].
Holywell Railway [Lords].
Isle of Wight (Newport Junction) Railway [Lords].
North and South Western Junction Railway [Lords].

FIFTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
8 *June* 1868.

130—IV.

SIXTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have formed the following Bills into a Group, and have agreed to Report the same to The House:—

Group 9.

Wey and Arun Junction Canal [Lords].
Isle of Wight (Newport Junction) Railway [Lords].
Cambrian Railway (Revived Line to Dolgelly) [Lords].

SIXTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed*,
2 *July* 1868.

130—V.